Alan H. Sommerstein, Isabelle C. Torrance
Oaths and Swearing in Ancient Greece

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With contributions by
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Preface

This volume completes the publication of the project *The Oath in Archaic and Classical Greece*, based at the University of Nottingham and funded by the Leverhulme Trust (award no. F.00 114/Z), whose assistance is warmly acknowledged. The main previous publications of the project have been the Nottingham Oath Database (Sommerstein, Bayliss and Torrance 2007) and *Oath and State in Ancient Greece*, edited by Sommerstein and Bayliss and referred to in this volume as S&B.

The authors have in broad terms a common view of the nature and effect of oaths as a cultural phenomenon of ancient Greek society, as will be apparent from this volume, though – as will also be apparent – they inevitably disagree on matters of detail and nuance and on the interpretation of some particular passages and incidents.

The several chapters of the volume deal with different aspects of the oath phenomenon, and it thus inevitably often happens that the same passage is discussed from different points of view in more than one chapter.

We should draw attention to a peculiarity in the chapter numbering. There are some tall buildings that have no thirteenth floor, and some books in which chapter 14 directly follows chapter 12; this volume, contrariwise, has both a chapter 13 and a chapter 13a. This is because there are several references in S&B to specific numbered chapters of the present volume, and changes in the chapter plan since the publication of S&B would otherwise have rendered some of these references incorrect.

The acknowledgements made in the preface to S&B apply equally to this volume, and are gratefully reiterated. But it is particularly appropriate, on the occasion of his retirement from the Department of Classics of the University of Nottingham, that Alan Sommerstein should record explicitly his deep appreciation of all that the University, the Department, the School of Humanities, their academic and administrative staffs, and not least their students, have done to assist and encourage him over all but forty years, and especially over the ten years of the Oath project.

The authors are also pleased to acknowledge their gratitude to the Institute for Scholarship in the Liberal Arts at the University of Notre Dame for a small research grant which supported work on § 5.2, and for funding to support the cost of indexing, which was carried out with great efficiency by Dr Joanna Luke.

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Abbreviations

Abbreviations not listed below are as in *LSJ* (H.G. Liddell / R. Scott, *A Greek-English Lexicon*[9], rev. H. Stuart Jones [Oxford, 1940] with *Revised Supplement* ed. P.G.W. Glare [Oxford, 1996]) or *OCD*[4] (S. Hornblower / A.J.S. Spawforth / E. Eidinow (eds.), *The Oxford Classical Dictionary*[4] [Oxford, 2012]), except that some names of ancient authors and works are abbreviated in a fuller form than in these publications.

[Apoll.]	pseudo-Apollodorus (the mythographer)
Ath.Pol.	(if cited without author's name) the *Athēnaiōn Politeia* ascribed to Aristotle
BIWK	G. Petzl, *Die Beichtinschriften Westkleinasiens* (Bonn, 1994)
CA	*Classical Antiquity*
CID	*Corpus des inscriptions de Delphes* (Paris, 1977–2002)
CP	*Classical Philology*
CSCA	*California Studies in Classical Antiquity*
DTA	R. Wünsch, *Defixionum Tabellae Atticae* (= *IG* iii, part 3) (Berlin, 1897)
ED	M. Segre, *Iscrizioni di Cos* (Rome, 1993)
EMC	*Échos du Monde Classique* / *Classical Views*
h.Dem., *h. Herm.*, etc.	*Homeric Hymn to Demeter*, *to Hermes*, etc.
Horkos	A.H. Sommerstein / J. Fletcher (eds.), *Horkos: the oath in Greek society* (Exeter, 2007)
HSCP	*Harvard Studies in Classical Philology*
IPArk	G. Thür / H. Taeuber, *Prozeßrechtliche Inschriften der griechischen Poleis: Arkadien* (Vienna, 1994)
Lyc. *Leocr.*	Lycurgus [not Lycophron], *Against Leocrates*
Prov. Coisl.	*Proverbia e codice Coisliniano n. 177*, in: T. Gaisford, *Paroemiographi Graeci* (Oxford, 1836), 121ff.
RO	P.J. Rhodes / R.G. Osborne, *Greek Historical Inscriptions, 404–323 B.C.* (Oxford, 2003)
Σ	scholium or scholia
S&B	A.H. Sommerstein / A.J. Bayliss, *Oath and State in Ancient Greece* (Berlin, 2013)
WD	*Works and Days* (Hesiod)

1 What is an oath?

A.H. Sommerstein

This book and its partner volume (S&B) are about oaths in archaic and classical Greece, and we should begin by defining our terms. Since we are not particularly concerned with drawing a line between the archaic and classical periods, we need only set beginning and end points for an era comprising both. We take the archaic period to begin with the earliest surviving alphabetic Greek texts – which means, in practice, with the major Homeric and Hesiodic poems, these being the oldest texts that contain references to oaths – and the classical period to end with the deaths of Aristotle, Demosthenes and Hypereides in 322 BC. At various points we will be referring to later (and indeed to earlier) evidence, but these are the bounds of the timespan we are actually examining.

As to the term "oath" itself, we will use the definition embodied in the palmary formulation of Richard Janko,[1] whereby "to take an oath is in effect to invoke powers greater than oneself to uphold the truth of a declaration, by putting a curse upon oneself if it is false". An oath, then, is an utterance whereby the speaker – the *swearer*[2] – does the following three things simultaneously.

(1) The swearer makes a *declaration*. This may be a statement about the present or past, in which case the oath is *assertory*; or it may be an undertaking for the future, in which case the oath is *promissory*.

(2) The swearer specifies, explicitly or implicitly,[3] a *superhuman power or powers*[4] as witnesses to the declaration and guarantors of its truth. In English the swearer is said to swear "by" (sometimes, colloquially, "to") this power or powers; in Greek the guarantor power was normally the direct object of the

1 Janko 1992, 194, on *Iliad* 14.271–9.

2 To be contrasted with the *swearee*, defined in the Nottingham Oath Database as "the person, if any, to whom an oath was addressed or who exacted it from the swearer".

3 Ancient Greeks usually, though not always, specified the power(s) by whom they were swearing. When not explicitly specified, the identity of the guarantor power will be either implied in the context, or given by the culture. Contextual determination is to be found, for example, in Aesch. *Eum*. 762–74, where Orestes swears that, in his posthumous capacity as a hero, he will prevent the Argives from making any attack on Athens, but will bless them if they act as faithful allies to the Athenians: he does not specify by which god(s) he is swearing – but his promise is actually addressed to Athena, and she is well capable of punishing its breach.

4 Normally these are divinities, heroes, etc., but sometimes we find sacred or cherished *objects* (*Eideshorte*) filling the corresponding place in oath-formulae; see § 5.3.

verb of swearing – strictly speaking, one did not in Greek "swear by Zeus", for example; rather, one "swore Zeus".[5]

(3) The swearer *calls down a conditional curse* on him/herself,[6] to take effect if the assertion is false or if the promise is violated, as the case may be; that is, (s)he prays that in that event (s)he may suffer punishment from the guarantor power. This element need not be explicitly spelt out; it is often left to be understood from the words of the oath itself, particularly the performative verb "I swear" (in Greek *omnumi*, later *omnuō*); but it can always be made explicit when there is need for special assurance. At any rate, whether explicit or not, it is the key defining feature of an oath: *an oath is a declaration whose credibility is fortified by a conditional self-curse*.[7]

All the defining features of an oath are well seen in the oath which Medea exacts from Aegeus, king of Athens, in Euripides' *Medea* (731–58).[8] When Aegeus arrives in Corinth, en route from Delphi to Trozen, Medea, who has been ordered by King Creon to leave Corinth with her children before the next day's sunrise, supplicates him to grant her asylum, promising him that she will use her magical skills to ensure that his long childlessness comes to an end. He says he is willing to do so, so long as Medea comes to Athens under her own steam. Medea, however, asks for a guarantee (*pistis*, 731) – a word which, when applied to the confirmation of a promise, often, but not always, refers to an oath. Aegeus, with some surprise and maybe even indignation, asks her whether she does not trust him (733); she says she does, but points out that she has powerful enemies (Creon and "the house of Pelias") and that if Aegeus was not bound by an oath they might cajole or bully him into complying with a request for her extradition (734–40). Aegeus understands and accepts this argument, and asks her to *name the gods he should swear by* (745); she names the Earth, the Sun (her own grandfather) and

5 This may be an elliptical form, shortened from "I swear ⟨making⟩ Zeus ⟨a witness⟩"; see § 5.1, p. 76 n. 2.

6 The punishment prayed for need not fall exclusively, or at all, directly on the swearer him/herself; but it must always be something that is harmful or hurtful to the swearer. If it is not, the oath is a sham – like that of the chorus in Ar. *Birds* 445–7, who pray that if they keep their promise they may win the comic competition by a unanimous verdict but that if they break it they may … win by just one vote.

7 The equation of oath and curse is made unusually explicit by Andocides (1.31) in a reference to the oath of the jurors (see S&B 69–80): "you … will cast your votes about me after having taken great oaths, and invoked the greatest curses both upon yourselves and upon your children, undertaking to vote justly in my case". See further ch. 2 below.

8 See further § 2.3 below.

"the whole race of gods" (746–7). Aegeus then asks *what he is to swear to do or not do* (748); Medea's answer is "never yourself to expel me from your land, and never willingly while you live to give me up to any of my enemies who wishes to take me" (749–51). Aegeus duly swears, using the performative verb and naming the gods Medea had specified, "to abide by what I have heard from you" (752–3). But Medea then also asks him to state *what he wishes to suffer if he does not abide by the oath* (754); he replies with the vague but apparently satisfactory formula "The things that happen to those who are impious" (755) – and thereupon she sends him on his way. She feels completely secure, and rightly so. Not long afterwards she will turn up on Aegeus' doorstep in Athens, having murdered Creon, his daughter (her ex-partner Jason's new bride) and her own children, and he will have no alternative but to take her in and protect her. Her own (unsworn) promise to him, incidentally, she will not keep:[9] Aegeus' son Theseus will have been conceived at Trozen before Aegeus returns to Athens, Aegeus will not even know of his existence for many years to come, and when Theseus does come to Athens Medea will plot to murder him.

Any utterance that does *not* contain the three features specified above, explicitly or by clear implication, will not in this book be regarded as an oath. There has been some tendency in scholarship over the years to use the term loosely; a few examples follow.

(1) In most English-speaking countries, the giving of false evidence in court trials can be prosecuted as the crime of "perjury" even if the witness has bound him/herself by solemn affirmation rather than by oath. This has created a standing temptation to use the same term as a translation of Greek *pseudomarturion* "false testimony", and even sometimes to take it for granted that witnesses in ancient Greek trials were regularly required to swear to the truth of their evidence, when in fact, at least at Athens, they were sworn only in homicide trials (and others held before the Council of the Areopagus) and in certain exceptional circumstances. For a full discussion see S&B 87–91.

(2) The mere fact that a statement is made when the speaker is in contact with a sacred object (such as the entrails of a sacrificial animal) does not in itself make the statement into an oath, if no divine witness is explicitly or implicitly invoked. When Demaratus of Sparta puts into his mother's hands the entrails from a sacrifice he had made to Zeus, and solemnly beseeches her to tell him truthfully who his father was (Hdt. 6.67–9; see ch. 6, p. 140 n. 31), she clearly

9 Except in those versions in which she herself bore a son, Medus, to Aegeus. Diodorus Siculus (4.56.1) says this story was told in tragedy, but we do not know whether it was already current by 431 BC when *Medea* was produced.

regards herself as being under a specially binding duty to speak the truth, but nothing in her 267–word speech gives any hint that she is under oath. The episode is merely a more formal and elaborate version of the common formula whereby a question is asked, or a request made, in the name of a god (Attic Greek normally uses the preposition *pros* with genitive, literally "from", e.g. *pros Dios* "in the name of Zeus"); this formula certainly makes a question more difficult to ignore or answer falsely, or a request more difficult to disregard, but it cannot of itself subject the addressee to a conditional curse unless the addressee him/herself invokes one. However, laying one's hand on *the earth* can constitute an oath (Bacch. 5.41–2, 8.19; cf. *Iliad* 14.270–6), since Earth was herself a goddess; see §5.1, p. 85, and §6.3, p. 143.

(3) In Sophocles, and very occasionally in other texts, a statement or promise which, when actually made, did not have the form of an oath, is sometimes referred to retrospectively as if it had been an oath; this phenomenon, which we call the "Sophoclean oath", is fully discussed in §5.2. It only occurs in a small number of passages (less than one per play, even in Sophocles), and it will be shown in §5.2 that on each occasion it serves an identifiable thematic function. This does not, therefore, authorize us to treat, for example, any solemn injunction as the exacting of an oath.[10]

Going in the opposite direction, Polinskaya 2012 claims that it was possible to call gods to witness in "situations where no oaths [were] sworn", and cites a number of instances[11] in which, she claims (p. 27), gods are invoked "as simple observers,

10 As Markantonatos (2007, 175) does when, referring to Soph. *OC* 1530–2, he says that Oedipus "places each and every one of the [future] Athenian rulers under oath"; in fact Oedipus is simply giving an instruction that each of these rulers shall not divulge the secret of Oedipus' tomb to anyone but his successor as ruler, and telling Theseus that in this way Athens will be kept safe from Theban attack. He does go on to say (1536–8) that the gods will sooner or later punish anyone who "abandons religion and turns to madness", but that follows a mention of *hubris* (1535); in the actual passage about the secret there had been no suggestion that improper divulgement of it would be impious, only that it would be imprudent. Similarly Martinez 2012, 49 says that in *h.Dem.* 331–3 "Demeter … swears not to go home" when the text has simply *ephaske* "she said", "she persisted in saying", with no indication whatever of any added solemnity, much less of a divine invocation or a conditional curse.

11 Soph. *Trach.* 1248; Eur. *Med.* 619–20, *Hipp.* 1451, *Supp.* 1174–5; Hdt. 5.92ζ–5.93.1; Thuc. 2.71.4, 2.74.2, 4.87.2–3. Polinskaya (p. 35) adds Xen. *Hell.* 2.3.55, but in this passage Theramenes is only calling on gods (and men) to *see* what is happening to him; this is not the only place in her article where Polinskaya is led astray by the fact that the English word "witness" has two meanings ("one who has seen, heard, etc., some significant event" and "one who bears, or will bear,

not as executors of justice". It is certainly true that in some (not all)[12] of these passages the main purpose of the invocation is less to certify the truthfulness of the speaker's utterance than to arouse divine anger against those who have treated him/her unjustly or (as in Eur. *Supp.* 1174–5) against those who may do so in future. Since, however, there are many undoubted oaths (from *Iliad* 3.280 onwards) in which gods are likewise called to bear witness, it is not clear how the deity can be expected to distinguish one kind of calling-to-witness from another. It is certain, moreover, that a god will resent it if (s)he is invited to bear witness to a falsehood; to issue such an invitation, therefore, itself amounts to invoking divine punishment on oneself should one's statement be untrue.[13] We therefore continue to hold that when a god is called to witness to the truth of a statement, this constitutes an oath even if no (other) oath-language is used.

testimony") whereas Greek *martus* and its synonyms are used only in the latter sense (compare her definition of "witnessing", p. 24).

12 In Eur. *Hipp.* 1451, Hippolytus' objective is plainly to reassure Theseus as strongly as possible that he truly has been freed from the guilt and pollution of having caused Hippolytus' death; and it is fitting that almost the last utterance of Hippolytus' life should be a straightforward and successful oath, after two previous oaths of his which in different ways were disastrous failures – the oath of secrecy by which Phaedra's nurse entrapped him and which Phaedra was convinced he would break (cf. *Hipp.* 612–13, 689–92) and the oath of innocence which Theseus would not believe (1027–37, 1055–9). See further §11.2.

13 At the end of her article (p. 35) Polinskaya says that whereas "oaths *demand* divine intervention, invitations to witness only … [submit the inviter] to the *discretion* of the gods should they choose to take an interest" [emphasis mine]. But this is a distinction without a difference: it was *always* a matter for the discretion of the gods whether or not they acted on a human request of any kind (except in a few mythical cases like that of Theseus who was granted, and misused, the right to make three requests of Poseidon which would automatically be fulfilled: Eur. *Hipp.* 44–6).

2 Oath and curse[1]

Kyriaki Konstantinidou

> There is a proper place for the fear-inspiring
> and for fear to sit high
> in the soul as its overseer:
> it is beneficial
> to learn good sense under the pressure of distress.
> What man that does not at all nourish
> his heart on fear –
> or what community of men, it makes no difference –
> will still revere Justice?
>
> Aesch. *Eum.* 517–25[2]

> But the Zeus in the Council Chamber is of all images of Zeus the one most likely to strike terror into the hearts of those who do wrong. His epithet is Oath-god (Horkios), and in each hand he holds a thunderbolt. Beside this image it is the custom for athletes, their fathers and their brothers, and even their trainers, to swear an oath upon slices of a boar that there will commit no misdeed on their part in the competition in the Olympic games...Before the feet of the Oath-god is a bronze plate, with elegiac verses inscribed upon it, the object of which is to strike fear into those who forswear themselves.
>
> Pausanias 5.24.9–11

The well-known lines sung by the chorus of Erinyes in Aeschylus' *Eumenides* draw attention to the critical importance of the common human emotion of fear for the proper workings of human justice. One dimension of this fear is manifest in the identity of the singers who play the role of agents of retribution in the play: all men should nourish *in their heart fear of the divine*, if they truly want to revere justice.[3] In a very different context, on his visit to Olympia, Pausanias similarly describes the terrifying image of Zeus *Horkios*, "Zeus of the Oath", who

1 I would like to thank Elton Barker, Eftychia Bathrellou and Alan Sommerstein for their invaluable comments and suggestions on this chapter.

2 All translations of Aeschylus and Aristophanes are from A.H. Sommerstein (2008a and 1980–2003 respectively) and of Hesiod from G.W. Most (2007). The rest are mine, unless otherwise indicated.

3 See esp. Sommerstein 1989, 171–82 and Parker 2009, 142–51 for a positive evaluation of the notion of human fear of the divine for the maintenance of a well-ordered society, in the otherwise terrifying song by the Erinyes. I am in agreement with those critics who see these lines as already alluding to human fear of institutional justice too, as developed in the play with Athena's foundation of the Areopagus: see e.g. Lebeck 1971, 147–9; Conacher 1987, 156–8; Sommerstein loc. cit.

strikes fear *into the heart* of the athletes and those who swear in support of them. As Burkert has long ago stated, "only fear of the gods provides a guarantee that oaths will be kept".[4] In oath-taking practice, this fear underpins the presence of the conditional self-curse that differentiates the verbal act of oath from any simple promise or assertion (see §1.1). Any divine power(s) could be invoked in oath-taking to execute the divine punishment (cf. e.g. §13.1), implied or stated explicitly through the self-curse, and activated in the event of oath-breaking. But it is certainly not by accident that these two powers, Zeus and the Erinyes, who are related so closely to the notion of imposing fear upon mankind, appear in literary sources with a broader jurisdiction over the institution of the oath.[5]

In §1.1 the oath was defined as a conditional self-curse, a definition that draws attention to the pervasive presence of (conditional) divine punishment looming large over the swearer. A number of anglophone scholars have remarked that this religious aspect of the oath can be difficult for us to grasp:[6] modern cultural parameters do not always leave space for such a perception. The present chapter aims to approach archaic and classical Greek sources by examining and showing the extent to which the oath was perceived as or identified with the self-curse. Scholarly attention to the distinctive symbolism of the self-curse in formal oath-rituals in Greek religion has shaped one fruitful avenue for exploring its prominence.[7] The current study argues for a close-bound interrelation of oath and curse by taking a twin approach to the evidence. In §2.1 it builds up a picture of how well-known notions of divine and human *dikē* in archaic and early classical Greek literature define and represent the nature of the oath as a conditional

4 Burkert's (1985, 252) emphasis on fear in oath-taking is expounded further by e.g. Faraone, 1993, 2002; Berti 2006; Kitts 2005, 114–87. On the common human emotion of fear of divine anger, which can be defined by cultural parameters, cf. e.g. the recent study by Chaniotis (2012) on later epigraphic evidence.

5 See §2.1 below, also p. 28 with n. 84.

6 cf. e.g. Stephanie West's remarks (2003, 438) on our understanding of the religious dimension of the oath: "For us nowadays an oath introduces a more formal element into our undertakings... we need to adjust to earlier assumptions as characteristic of medieval England as of classical antiquity. An oath introduced a religious element." See also Sommerstein 2007a. Their point is made in relation to formal oaths. The extent to which the element of divine presence and punishment in oath-taking is culturally determined could be shown through e.g. a comparison between English and modern Greek language for oaths. English seems to lack expressions of informal oath-taking but in modern Greek informal everyday oaths are frequently used, in which both the divine element and the explicit element of the self-curse are prominent, as in the case of "by God and the Holy Virgin!", with, sometimes, the addition of an explicit self-curse "may I die!" for extra confirmation of the oath statement.

7 See pp. 26–7.

self-curse, through the association of the divine personifications of these verbal concepts, Horkos and the Erinyes as Curses. In §2.2 the focus shifts to investigating actual instances of oath-taking: while the conditional self-curse is implied behind every oath, the section examines oaths in which *individual speakers explicitly articulate the element of the conditional self-curse* in two different public spaces in Athens: (a) scenes of dialogue on the theatrical stage, and (b) litigants' speeches in Athenian law-courts. Individuals' use and manipulation of these verbalized self-curses vary according to the contextual situation and purpose of each speaker; improvisation on the self-curse is a recurrent feature in these contexts. But the character's or speaker's choice to underline the element of the self-curse is a clear demonstration of the conscious perception of the oath as a conditional divine punishment hanging over the swearers.

2.1 Horkos and Erinyes: oath as a curse

It is commonly acknowledged that personifications of abstract concepts in the archaic and classical Greek period often interact with other abstractions or supernatural entities;[8] and that in this interaction, well-known characteristics of the latter might sometimes be transferred to the former who share, then, similarities in attributes or areas of activity.[9] The present section sketches out the literary representations of two personified abstractions, Horkos and Arai, Oath and Curses. By bringing them together it aims to outline their interchangeable activity in contexts of a breach of *dikē* that implicate oaths and perjury in archaic and early classical Greek poetry:[10] specifically, in Hesiod, the personified Horkos is clearly presented as a curse while in Aeschylus' *Eumenides*, the personified Arai, Curses, come to prominence in the context of institutional oaths and potential perjury. The unifying factor that defines the personification of both abstractions

8 See Webster 1954; Gombrich 1971; Stafford 2000 (with an emphasis on cult); Stafford 2007, 71–81.

9 Cf. e.g. Persuasion and Aphrodite (Hes. *WD* 73–5) and the erotic connotations that the former develops in classical period: see Buxton 1982; Stafford 2000, 111–45.

10 While Solmsen 1949 remains the classic work on the Aeschylean echoes of Hesiodic perceptions of the divine, the representation of divine powers in relation to oaths is limited to Horkos and Styx in Hesiod (32–33). On aspects of these two personifications in relation to oaths and perjury, see Hirzel 1902, 142–9 (on Horkos as divine figure) and recently Fletcher 2012, 62–6 (on the Erinyes/Semnai and oaths); Gagné 2013, 159–77 (on the divine punishment of *exōleia* and perjury in Hesiod). The emphasis in this section is on their affiliation and interchangeability as "the conditional curse" in their Hesiodic and Aeschylean representation.

is their association or identification with *the divine Erinyes* whose relation with all forms of cursing extends to oaths.[11] The examination of these personifications will allow us to map out the forms of divine punishment, which we are going to see crystallized as verbalized conditional curses in the second section.

A good starting point for getting a sense of Greek attitudes to conceiving the oath as a conditional self-curse is to consider the Hesiodic representation of Horkos. Explaining why "fifth days" should be avoided, Hesiod gives as a reason his birth (Hes. *WD* 802–4):

> Avoid fifth days since they are difficult and dread: for they say that it was on the fifth that the Erinyes attended upon Oath [Horkos] as he was born – Oath, whom Strife bore as a woe to those who break their oath.[12]

Here Martin West identifies the Oath as a conditional self-curse: "an oath is by origin a curse which a man lays upon himself, to take effect if what he declares is false. The god Horkos is the personification of this curse; that is why he is attended by the Erinyes…"[13] This association of Horkos and the Erinyes makes sense when evidence for the latter's role in archaic poetry is taken into consideration, evidence which links them with two different notions of the verbal act of cursing. In their most common role, they are invoked to fulfil revenge curses within a family (a role that they famously retain in Greek tragedy).[14] Thus, in Homer we learn from Phoenix of the time when Althaea beats the earth and calls down curses on her son Meleager for killing her brother, and the Erinys hears her (*Il.* 9.568–72).[15] Some lines earlier, Phoenix had also given an account about

11 The most thorough approaches to the Erinyes, which highlight to varying degrees their connection to revenge cursing or "the curse" of the dead, are offered by Wüst 1956; Visser 1980; A.L.Brown 1983, 1984; Sommerstein 1989, 6–12; Johnston 1992, 1994, 1999, 250–87; Henrichs 1994; Bacon 2001; Sewell-Rutter 2007, 78–109; Labarrière 2006; Easterling 2008; cf. also Sarian 1986 (*LIMC* 825–43); Prag 1985, 44–51, 117–20 for iconographic evidence.

12 In Hes. *Thg.* 226–32 the personified Oath is similarly described among a number of negative personified concepts (e.g. Lies, Disputes, Lawlessness, etc.) as the one "who indeed brings most woe upon human beings on the earth, whenever someone wilfully swears a false oath". The equivalent power in the world of the gods, the power of the river Styx as "the Great oath of the gods", also evolves around its punitive potential in Hes. *Thg.* 793–806, for which see §7.3.1.

13 M.L. West 1966, *ad* Hes. *Thg.* 231.

14 Their area of action regarding revenge cursing is not limited to parental cursing (e.g. Aesch. *Sept.* 720–5, 866–9, 886–7; Aesch. *Cho.* 924; Soph. *OC* 1298–9), but encompasses other relations too: curses from children against mothers (Electra against Clytaemestra – and against Aegisthus, Soph. *El.* 110–6; Hyllus against Deianeira, Soph. *Trach.* 807–12), husbands against wives (Eur. *Med.* 1389–90), comrades-in-arms against their generals (Soph. *Aj.* 835–44 [839–42], 1389–92).

15 Mentioned as δασπλῆτις Ἐρινύς in Hes. fr. 280.9 M-W (=216.9 Most), which also preserves the

how his father Amyntor, on discovering that he had slept with his (Amyntor's) concubine, had cursed him to remain childless and the Erinys fulfilled the wish (*Il.* 9.453–7). Yet, the Erinyes are also the divine agents who fulfil the conditional self-curse of the oath: after the great strife between Agamemnon and Achilles, they are among the divine powers who oversee their oath of reconciliation and they are mentioned as punishers of perjury (*Il.* 19.258–60; cf. *Il.* 3.279; Alcaeus fr. 129.13–4). Thus, this role of the Erinyes is one aspect of their overarching identity as fulfillers and, more characteristically later, as personifications of verbal cursing, which is appropriated by the Hesiodic representation of Horkos who becomes "an awe to perjurers", under their auspices.

The intertwining association between Horkos and the Erinyes in archaic poetry also comes to light when we consider the actual content of the self-curse (i.e. the form of their divine punishment) specifically. In the case of self-cursing, the form of punishment envisaged in Hesiod in the event of perjury targets the family/offspring of the swearer (Hes. *WD* 282–5):

> But whoever wilfully swears a false oath, telling a lie in his testimony, he himself is incurably hurt at the same time as he harms Justice, and in after times his family is left more obscure, whereas the family of the man who keeps his oath is better in after times.

This passage has commonly been cited for preserving a fundamental idea of Greek culture: the concept of inherited guilt, where the children, themselves innocent of any crime, suffer divine punishment because of their parents' wrongdoing. The most recent study on the subject has brought into focus how the concept is very much tied to the institution of the oath during the archaic period;[16] swearing falsely involves serious *and regulated* repercussions not only for the false swearer but also for his or her offspring. The Erinyes themselves are also the fulfillers of

incident. The gesture itself recalls the sanctifying feature of striking the ground or placing one's hand on the Earth during the oath-taking procedure (Hom. *Il.* 1.233–46; 14.273–82; see §6.3). For parental cursing in Homer cf. further *Od.* 2.135–6, where Telemachos is fearful of driving his mother from the house in case he should incur his mother's curses and an Erinys act on them. Hesiod establishes the relationship of the wronged parent with the Erinyes in the divine domain, when in the *Theogony* the Erinyes are said to be born from the blood of Uranus' castration at the hands of his son Cronus (*Thg.* 185). Later Rhea demands that the Erinys of her father take revenge for the children whom Cronus had swallowed (*Thg.* 472–3).

16 See Gagné 2013, 159–278 who applies the term "ancestral fault". The main studies that deal with the concept of "inherited guilt" (Glotz 1904; Dodds 1951, 28–63; Parker 1983, 198–206; Sewell-Rutter 2007, 15–48) have inevitably all touched upon the concept of cursing either in its form as an inherited revenge curse or as an oath.

this kind of punishment,[17] in a totally different context of archaic oath-taking. They are invoked[18] in the famous scene of oath-taking between the Trojans and the Achaians in the *Iliad* (see §6.4), which includes an explicit conditional self-curse targeting not only the swearer but also his family (*Il.* 3.297–301):[19]

> ... grant that the brains of them who shall first violate their oaths – of them and their children – may be shed upon the ground even as this wine, and let their wives become the slaves of strangers.

Not limited to archaic times, the utter ruin (*exōleia*) of those swearing falsely – which denotes not only their own death, but can extend to the destruction of their offspring and, sometimes, even household – is the main manifestation of the explicit form of divine punishment, especially in formal oath-taking in all periods. This feature is played out further in the level of divine personifications. The well-known personification of Horkos' nameless, lame son in the story of the perjurer-to-be Glaucus in Herodotus enacts the same form of punishment against perjurers (Hdt. 6.86; see §10.2). The shift in focus from Horkos to his son in Herodotus seems to suggest an interesting assimilation between the divine oath-enforcers and the punishment that they exact: Horkos *and* his offspring punish the false swearer *and* his offspring.

The punishment exacted by Horkos or his son can extend over generations. Time, thus, plays an important role in the application of this form of punishment which "entails delay, extended temporality, possibly the substitution of one victim for another" (Gagné 2013, 177). Yet, in spite of the length of time implied by the fact that retribution extends indefinitely to the swearer's descendants, paradoxically Horkos is simultaneously perceived as *moving quickly* to carry out punishment. In Hesiod, Horkos *runs* in order to punish perjury (*WD* 219), a feature that he preserves in classical literature as well (*trag. adesp.* 333a) and which, again, he shares with his nameless child[20] who, "despite having no hands or feet, is swift in pursuit" (Hdt. 6.86). In this, too, Horkos share similarities with

17 The Erinyes' role as punishers of children is a consequence of *parental* revenge-cursing too, after a wrong suffered, as we saw in the examples above. The punishment of offspring is claimed by the Erinyes themselves in Aesch. *Eum.* 934–5.

18 The invocation is for "the nether avengers of the underworld" which I take here as a reference to the Erinyes: cf. Kirk 1985, *ad* 3.278–9.

19 Gagné 2013, 177–205 highlights this passage as the only attestation of the concept of "ancestral fault" in Homer.

20 The anonymity of Horkos' son is also shared with the 'nameless' goddesses, Erinyes as Eumenides in Eur. *IT* 944, *Or.* 37, 409, fr. 494.18. For this feature in relation to the latter's cult, see Henrichs 1994.

the Erinyes as executors of cursing: the "swift-moving Horkos", who cannot be outrun by perjury (*trag. adesp.* 333a), is matched by the "swift-running Erinys" (*kampsipous*, Aesch. *Seven* 791; cf. Soph. *Aj.* 837, 843) who quickly fulfils the curse of a wronged individual. Through this representation, Horkos follows and reproduces the model of vengeful gods who speedily execute their divine punishment upon individuals and bring to fulfilment a curse (cf. e.g. *Il.* 1.37–42, *Od.* 9.526–36).

In his role of executing his punishment, Horkos also functions within the orbit of the well-known archaic sense of *dikē* – supervised by Zeus (*WD* 238–9) – that concerns issues of personal gain and their judicial settlements.[21] In his advice to his brother Perses to follow Justice (*WD* 213), Hesiod represents Horkos as *running alongside* the crooked judgements made by bribe-swallowing judges (*WD* 219–21), who, like Perses, put their personal gain above justice.[22] The god, again personified as a curse, ensures that whoever has trampled on their oath[23] and committed perjury is punished.[24] The Hesiodic presentation of Horkos as the curse of the oath goes hand-in-hand with the personified *Dike* in the same context, who "brings evil to those men who drive her out and do not deal straight" (223–5). A breach of human justice in Hesiod can involve intervention and punishment from Horkos. This scenario is set in contrast to the fate of men who follow justice. Hesiod relates that Zeus guarantees for those who give straight judgments a life full of blessings with no war or famine (Hes. *WD* 225–9); for them all is fertile (Hes. *WD* 230–5):

> ... the Earth bears the means of life in abundance, and on the mountains the oak tree bears acorns on its surface, and bees in its centre; their woolly sheep are weighted down by their fleeces; and their wives give birth to children who resemble their parents. They bloom with good things continuously.

21 See the still valuable discussions of Gagarin 1973, 1974 on the Hesiodic presentation of justice tied to the context of economic profit. On this aspect of justice in Hesiod, cf. also, Nelson 1998, 130–8.

22 Cf. *WD* 190–4 where the oath finds a place in the breakdown of justice in the Iron Age: "the evil man shall harm the good one speaking with crooked lies and swearing an oath..."

23 The actual oath-statement is not given but see M.L. West 1978 *ad loc*, followed by S&B 7–8, who argue that the oath implied here is one sworn by Perses and not by the judges.

24 In representing the divine punishment of perjury, Hesiod's concerns about perjury and private profit are picked up in Theognis 197–202, where the perjurer *profits for a short while* but becomes *wretched in the long run* (200; cf. also Theognis 1194–5). Hesiodic resonances for the divine punishment of perjury for personal gain appear in Plato's *Laws* (916e–917a), where perjury is forbidden by the market laws. There are similarities too between the two authors in the representation of oath-breaking and divine punishment; cf. Plato *Laws* 701b–c, which echoes Hes. *WD* 180–201, and also *Rep.* 363d (resonances about the continuity of the family).

Taking into account both aspects in play, Horkos' initial potential punishment for perjury and injustice, and, on the other hand, the promise of Zeus' blessings in reward for just actions,[25] the Hesiodic narrative hints at the double religious nature of the oath: the explicit conditional curse in oath-taking was often coupled with blessings, as for instance, in the fifth-century oath of Demophantus: "[the swearer] is to pray that if he keeps his oath he may have many blessings, but if he breaks it he may be utterly destroyed, himself and his descendants" (Andoc. 1.98).[26] Hesiod emphasizes the power of conditional blessing and cursing, with an expressed concern for fertility, which explicitly acknowledges the principle that the prosperity of the land or city depends on the just or unjust actions of each individual, actions overseen by divine powers.[27] The same blessings recounted by Hesiod are reversed and appear as conditional curses in formal oaths attributed to the archaic and early classical periods, as in the oath of Plataea[28] or in the oath of the Amphictyonic League sworn by Apollo, Artemis, Leto and Athena Pronaea (Aeschines 3.111):

> ...the curse says that their land will produce no fruits/crops, nor will the wives will give birth to children that looks like their parents, but to monsters, nor will their livestock produce natural offspring; but may they be defeated in war and lawsuits and debates/assemblies and may both themselves and their households and their race perish utterly...[29]

25 Horkos works in accordance with the justice of Zeus. Zeus's punishment of the unjust (*WD* 238–49), which brings the exact opposite of the previous blessings, is also in accordance with the retribution that Horkos exacts upon the unjust perjurers, their family and household.

26 For the oath of Demophantus, which prescribed citizens' action against anyone who tried to subvert democracy, see Shear 2007. For the combination of cursing with blessing cf. further e.g. Ar. *Lys*. 181–238; *SIG* iii 921.14–15 (oath at the Apaturia). See also the variant: 'if I keep the oath, may I have many good things; if I forswear, the opposite' (*IG* ii^2 1237.74–113; *IG* ii^2 1196 a 8–13, b 5–22; *IG* i^3 42.4–6). Faraone 2005 argues that a strong curse precedes the blessing, or appears on its own, when a stronger power/authority imposes an oath on a weaker, while more balanced forms of curses-blessings appear in oaths among equals. This is not supported by all the evidence, as he himself admits. It is, however, the case that in oaths from democratic Athens there seems to be a tendency to have the blessing preceding the curse, probably as a positive incentive for the citizens to keep their oath.

27 On this principle, see Parker 1983, 235–80; Cole 1996, 230–6; Pulleyn 1997, 79–83.

28 RO 88.39–46: "if I abide by the terms of my oath may my city be free from illness, and if not may it become ill. And may my city be unsacked, and if not, may it be sacked; may my [land] bear [fruit], and if not, may it be unfruitful. And may women bear children like to their parents, and if not, monsters. And may cattle bear calves like themselves, and if not, monsters". For the impact and authenticity of the oath of Plataia in general, see most recently, S&B, 191–8 and Cartledge 2013 (esp. 41–58 for its religious dimension), with references to previous discussions. For divine punishment inflicted upon the same areas, cf. p. 17 n. 41 and Hdt. 3.65.7, 6.139.1; Dem. 25.82.

29 This conditional curse extends to areas which are not common in oaths – potential defeat

On a more general note, this reversal of natural order in cases of perjury reflects the reversal of the oath's power to bring an equilibrium and balance to human affairs, a fact that explains its close association with justice as "natural order".[30] Thus, in this aspect too the conditional self-curse aligns with the Erinyes' broader role in avenging or correcting "an infringement of the normal and proper order of things (*dikē*)".[31] In Hesiod, Horkos as a curse acts especially in relation to one specific breach of this *dikē*, the one related to personal profit. A different branch of *dikē* expressed in relation to the oath as a conditional blessing-cursing appears in Aeschylus' *Eumenides*, a play in which it is the Erinyes themselves who enact the role of the Hesiodic Horkos and *personify* the conditional self-curses/blessings within the institutional framework of Athens' law courts.

Oaths feature prominently in Aeschylus' *Eumenides*, but it is only recently that they have received the full attention of scholars.[32] All of them have been identified with formal Athenian practices of oath-taking, albeit in a distorted form.[33] To summarize briefly: there is an oblique allusion to the preliminary procedure of the oath-challenge presented by the Erinyes to Athena as an argument against Orestes' innocence (425–32);[34] one of the most famous oaths in Athens, the dicasts' oath, is mentioned no fewer than five times (483, 489, 621, 680, 710); at the end of the trial the successful litigant, Orestes, takes an oath, like any successful litigant in a real-life homicide trial (762–74) – although his oath is actually a promise of alliance between Athens and Argos.[35] The aim here is to demon-

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not only in wars but also in lawsuits and debates. Perjury will thus incapacitate the culprit from taking any effective participation in public spaces. Cf. Plato *Laws* 842e–843a where the fury of the gods after perjury is said to bring wars. The curse goes on to include the inability to perform sacrifices, especially to the gods of Delphi – the protectors of the area of the Amphictyonic council – and, thus, denies the transgressor a fundamental role in the religious life of the community: see Versnel 1985 for the application of the same formula in curse-tablets. Cf. Sánchez 1997 for an approach to this oath as a fourth-century fiction.

30 On the broader applications of justice as "natural order" in the archaic period, see Lloyd-Jones 1971; W. Allan 2006.

31 Sommerstein 1989, 7 on Heracleitus fr. 94 D-K: "if the Sun transgresses his boundaries, the Erinyes, helpers of Justice, will seek him out".

32 See Sommerstein 2010a; Fletcher 2012, 35–69 for the oath theme in the *Oresteia* trilogy studied from the perspective of gender, and esp. 57–69 for the oaths in *Eumenides*.

33 Sommerstein *ibid.*

34 For the procedure of the oath-challenge here see Mirhady 1991, who identifies the present passage as an oath-challenge, and also S&B 101–8 and cf. 68–9. For the self-curse in this process see §2.4.3.

35 As scholars have noticed, the oath reflects the current political reality of the alliance between Argos and Athens made three years before the performance of the trilogy. See e.g. Quincey 1964; Braun 1998, 102–4; Podlecki 1999, 82–4; Fletcher 2012, 66–9. It includes a self-curse and it has

strate that in some of these contexts the oath is clearly presented as a conditional self-curse; and that its potential threat in cases of perjury persists throughout by virtue of the presence and utterances of the Erinyes as personified Curses.

At the beginning of this chapter, we glimpsed the collocation of fear and justice embedded in the Erinyes' song (*Eum.* 517–25). This fear acquires a more concrete form when approached in the light of the nature and function of the oath as a conditional self-curse/blessing. Earlier in the play, the Erinyes had identified themselves explicitly as Ἀραί, "Curses" (*Eum.* 417), the Greek word used not only for revenge-cursing but also for conditional self-cursing in oath-taking (e.g. Aeschines 3.110; Pl. *Crit.* 119e4–5).[36] Quite clearly, these female deities, terrifying in their appearance,[37] act as *actual personifications* of the dead Clytaemestra's curses and enforcers of Zeus's *dikē* in their pursuit of the matricide Orestes.[38] Yet, in the lines immediately before their fearful song, the audience have just witnessed the goddess Athena laying the foundations of Athenian justice; Athena not only announces the establishment of the Areopagus Council to judge the

generally be taken to allude to Orestes' future capacity as a hero who will impose curses or blessings dependent on whether the states will keep the alliance. I am not in agreement with Fletcher *ibid.*, who argues that Orestes replaces the Erinyes in their role as conditional curses (see below). The oath by Orestes is the only one uttered on stage. Elsewhere we have only demands for oaths (429–32) or references back to oaths taken offstage (the oath of the judges).

36 The personified Ἀρά identified with the Erinyes appears to be an Aeschylean invention; evidence for its existence as a personified separate entity outside tragedy is very slim and uncertain. Hesychius α6978 mentions an Ἀρᾶς ἱερόν in Athens which was mentioned in Aristophanes' *Horai* (fr. 585), but for which he adds "some believe that he names the βλάβη". Cf. *EM* s.v. ἀρά and Plut. *Thes.* 35.3. Hesychius α6960 also mentions Ἀραντίδες as a word used by the Macedonians instead of the Erinyes. In a grave imprecation of the second century AD from Neocaesareia (*SEG* xviii 561), the personified Ἀρά is invoked as "the oldest of the daimons", to punish any potential violators of the grave. See Speyer 1969, 1196–8; Wüst 1956, 86–7; Corlu 1966, 274–6; Geisser 2002, 242–52.

37 Cf. their gradual visualization in Aesch. *Cho.* 924–1050 and *Eum.* 46–178, for which see A.L. Brown 1983 and Frontisi-Ducroux 2006, the latter with an emphasis on the audience's growing terror.

38 In the trilogy the Erinyes had previously been associated with the revenge-curse of Thyestes on the family of Atreus (*Ag.* 1580). The audience hear also about the Erinyes of the dead Agamemnon (*Cho.* 283, 406) before they see them take shape as the curses of Clytaemestra (*Cho.* 925). Once they are invoked in an oath that Clytaemestra swears immediately after the murder of Agamemnon (*Ag.* 1431–6). In the *Eumenides*, their power as curses is manifested also in their binding song (321–96) with allusions to the ritual of binding curse-tablets (Faraone 1985). In the same song they give a self-referential performance of their identity as "Curses" on stage (Prins 1991). In the pre-trial scene in *Eum.* 427–33 they declare clear support for the institution of the oath in opposition to Apollo (see esp. Gagarin 1986, 19–50).

matricide Orestes (*Eum*. 482–9); she also twice highlights the distinctive role of the dicasts' oath within that Council (484, 489).[39] When the Erinyes sing about the necessity of fear, coupled with remarks about the divine punishment of those who accept bribes and will not be just (538–43), the inherent potential of their threat can be understood as *the punishment that will visit the dicasts should they break their oath*.[40] Through the song and the very identity of the Erinyes, the power of the conditional self-curse goes hand-in-hand with the establishment of the dicasts' oath and human justice in the audience's world.

The same pattern can be seen within the actual trial of Orestes. When Athena famously adumbrates the importance of fear for the workings of justice (690–9) in the foundational narrative of the Areopagus Court, she echoes the Erinyes' song, and warns the jurors again about their duty to keep their oath (709–10). Immediately after this warning, the Erinyes threaten the Athenian land and substantively back her up (Aesch. *Eum*. 709–13):

> *Athena*. Now you must rise, deliver your votes, and decide the case,
> *respecting your oath*. I have said my say.
> *Erinyes*. And I advice you strictly to avoid dishonouring us,
> for we can be dangerous company to this land.

Heard in the shadow of Athena's remark, their words function as a threat to the dicasts *should they fail to respect their oaths*. The Erinyes repeat this warning more elaborately after the trial results in Orestes' acquittal. Feeling slighted, they issue a threat of dire consequences against the Athenian land, and, evoking a Hesiodic blend of forms of divine punishment, they promise the destruction of the earth and its reproductive powers (810–17):

> And I wretched that I am, am dishonoured, grievously angry,
> releasing poison, poison,
> from my heart to cause grief in revenge
> in this land –ah!–
> a drip falling on the land,
> such that it cannot bear! And from it
> a canker causing leaflessness and childlessness – oh Justice, Justice! –
> sweeping over the soil will fill the land with miasmas fatal to humans.

39 Sommerstein 2010a argues that the way the trial of Orestes is presented is closer to the ordinary court of the Heliaia than to Areopagus trials. In the Heliaia the dicasts' oath included an explicit self-curse: see §2.4.1.

40 The dicasts' oath included an undertaking not to "accept any gift on account of my service as a juror" (Dem. 24.150); see S&B 71, 73–4.

> I groan; what shall I do? I am a laughing stock. I have suffered unbearable treatment at the hands of the citizens!

As critics have observed, the goddesses feel that, now the jurors have freed the matricide Orestes from his blood-guilt, the pollution of the murderer should be transferred to the jurors' own land.[41] Yet these threats also relate back to the Erinyes' previous warnings to the dicasts. It can be argued that since the dicasts, in the minds of the Erinyes, have made a wrong judgement, *they have activated the conditional self-curse clause of their oath*, personified by the Erinyes themselves. Divine punishment will affect their whole city, since one perjurer, like one murderer, can bring down divine punishment upon those who share a space with him (cf. Eur. *El.* 1355; Pl. *Laws* 701b-c).

There is then an additional aspect to the Erinyes' role in the play – the establishment of a conditional self-curse as an intrinsic part of the dicasts' oath, negotiated before and developed during and after the trial. This should be counted among those divine functions which the Erinyes maintain when, at the end of the play, they are propitiated by Athena and incorporated into the Athenian *polis* as divine agents of justice under the identity of *Semnai Theai*,[42] goddesses with an established cult in Athens.[43] Their gradual incorporation in Athens is indicated by a change in the nature of their speech-acts: they turn from their cursing utterances (778–93 = 808–23; 837–46 = 870–80) to four symmetrical prayers for blessings (916–26, 938–49, 956–68, 976–88). Once again, these cover the same areas as those in Hesiod (938–55):

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41 Cf. e.g. Parker 2009, 149. For the familiar consequences of pollution, which also constitute standard formulas of conditional cursing, see Parker 1983, 114 and 191 with references to Soph. *OT* 269–72; Aeschines 3.111; Eupolis fr. 99.33–4; *SIG*^{3} 360.55, 526.40.7, 527.85–90. Cf. also Mikalson 1983, 31–8.

42 See Sewell-Rutter 2007, 104–9 and Easterling 2008, 230–5, for a summary of approaches to the ending of the *Eumenides* regarding the consistencies and changes between the Erinyes and the Semnai Theai. Kitto 1961, 64–95 and Winnington-Ingram 1954, 1983, 154–74 place particular emphasis upon the Semnai / Erinyes' continuing menace at the end of the play. The extent to which the identification between the two (and also the "Eumenides") existed in real life or before Aeschylus is a matter of some controversy, which cannot be easily solved with the current state of evidence. A.L. Brown 1984 claims that Aeschylus was the first to make this identification and that it is a literary creation; he is followed by Sommerstein 1989, 9–12. For the opposite view, see Lloyd-Jones 1990; Henrichs 1991, 161–79 and 1994 (a more balanced approach than that of Lloyd-Jones); Johnston 1999, 267–73.

43 For the Athenian cult of the *Semnai*, cf. Aesch. *Eum.* 806, 835, 856; Dem. 21.115; Aeschines 1.188; schol. Soph. *OC* 489; Philo, *Quod omnis probus liber sit* 140; *IG* ii^2 112.6–12. For their sanctuary as a place of asylum, cf. Thuc. 1.126.9–11, Plut. *Sol.* 12; Ar. *Knights* 1311–12; Ar. *Thesm.* 224–5. See Parker 1996, 298–9 and 2005a, 406.

> *Erinyes*: I wish that no wind may bring harm to trees – I speak now of my favour – to blow the flaming heat that robs plants of their buds; let that not pass the land's borders; and may no grievous disease that destroys crops come upon them; may their flocks flourish and may Pan rear them to bear twin young at the appointed time; and may their offspring always have riches in their soil, and pay back the lucky find granted them by the gods.

> *Athena*: Do you hear this, you guardians of the city – what these words are accomplishing? The sovereign Erinys has great power both among immortals and among those under the earth; and in the case of men, it is clear how decisively they effect their will, giving to some joyful song, to others a life with eyes dimmed by tears.

Critics have noted that the context would have encouraged the play's audience to associate the Erinyes' transformation into *Semnai* with the formal institution of the oath in the Areopagus council.[44] This is because the *Semnai* were invoked in the oath-taking by litigants before each homicide trial in Athens (Dein. 1.47); there is a high probability that they were invoked by the judges as well.[45] As Judith Fletcher has recently underlined (2012, 61–6), the specific dramatic development of their verbal acts from "curses" to "blessings" may well have reminded the Athenian audience of the power of the oath within their own judicial system. Even, or especially, if this is true, however, it is important to note not only the promise of blessings but also crucially their still *conditional* nature. When the Erinyes/*Semnai* utter their blessings, it is now Athena's turn to reply and she, like the Erinyes before her, follows up the promise of benefaction with warnings of dire consequences for the people of Athens (949–55; cf. 930–7, 990–1).[46] Now it is Athena who makes it clear that the threatened curse remains in force. Again, the blessings are contingent upon the decisions and actions of men: the Athenians' own behaviour towards oaths will determine whether they are truly to receive blessings or instead curses from the Erinyes/*Semnai*. In these terms, honouring the deities means also keeping one's oath. At the same time, the open-endedness of this conditional form of blessing-cursing established at the end of the *Eumenides* does more than facilitate an association with formal oath-taking within the court system. Due to the importance given during the play's dénouement to the

44 See e.g. Thomson 1946, 284; Henrichs 1994, 45–6; Fletcher 2012, 61–6.

45 For the latter we have no clear attestations but S&B 112 n.167 hold that Deinarchus (1.87) provides evidence that the *Semnai Theai* were also invoked in the oath of the Areopagus council, when he states that "the *Semnai Theai* in Orestes' trial accepted the verdict of the Areopagus council and associated themselves with the truthfulness of this body in the future".

46 The *apostrophe* is to the dicasts as "the guardian of the city", but the dicasts are identified as the people of Athens (*Eum.* 487, 681–2); cf. Taplin 1977, 394. Many of the *apostrophes* can be taken as referring both to them and also to the audience (e.g. *Eum.* 775, 807, 854, 927).

establishment of justice as a universal condition of a well-balanced society[47] the emphasis on the conditional blessings/curses also hints at the importance of the religious act of swearing as a universal prerequisite for establishing justice and order in human affairs.

The examination of the Curses/Erinyes in *Eumenides* in oath contexts unveils their close affiliation with the Hesiodic Horkos in their representation as a potential curse to be activated in the event of perjury. The over-embracing association of the Erinyes with the act of cursing is a defining factor in the personification of divine powers associated with oaths and perjury in archaic and classical literature. When we move from the literary divine personifications to representations of actual oath-taking, the nature of the oath as a self-curse is equally attested through the prominent presence of explicit self-curses in contexts of oath-taking.

2.2 Explicit self-curse and oath-taking

In the previous section it became apparent that the forms of divine punishment brought about by Horkos and the Erinyes (e.g. bringing retribution to one's offspring; making the land, livestock and humans sterile) constitute the main forms of *verbalized self-cursing* in oath-taking practices in archaic and classical Greek literature. The present section seeks to address tangible uses of the explicit conditional self-curse in oath-taking scenarios of verbal exchanges among *individuals*. This material supplements approaches to the importance of self-cursing in formal interstate or civic oaths, which has already been underlined by scholars (see below). The purpose here is to examine when and why individual speakers or dramatic characters openly refer to the element of divine punishment in oath-taking circumstances. At the same time, these verbal contexts will help us ascertain further the manifestation and perception of the oath as a conditional self-curse in Greek sources. Evidence is drawn from two genres that place an onus on the performativity of language: drama and oratory. Together they comprise the greatest bulk of self-curses, as is evident from the following table, which gathers all references to verbalized self-cursing in archaic and classical Greek inscriptions and literature.[48]

47 See esp. C.W. Macleod 1982.

48 These results include only *the actual appearance of verbalized curses* within our sources; they do not include the many references to oaths known to have included a curse (e.g. the dicasts' oath), in which the speaker or narrator does not mention the curse in the specific context. Also not included are (1) the passages discussed in the previous section, though, through

Genre or text type	Refs. to explicit curses
Inscriptions	27[49]
Epic poetry (incl. Hymns)	6[50]
Comedy	23[51]
Tragedy	16[52]
Satyr Drama	2[53]
Other poetry (lyric)	1[54]

the representation of Horkos and the Erinyes, they help to establish the nature of the self-curse and should be taken into account as evidence for explicit self-cursing; (2) passages that include oath-rituals but not verbalized self-curses. The symbols stand for: C=Curse, B=Blessing, R=oath-Ritual; OSC=Other Sanctifying Circumstances. All dates are BC.

49 Alliances: *IG* i³ 75.21–7 (Athens-Halieis, 424/3; C); *IG* ii² 97.16–26 (Athens-Corcyra, 375/4 or 374/3 or 371; B-C); *RO* 50, 2–7 (Macedonians-Chalcidians, 357/6; B-C-R); *IG* ii² 281.9–10 (Athens – ?, 336/5; B); arrangements/regulations: *IG* ii² 111.58–73 (Athens on Ceos, 363/2; B-C); *IG* i³ 14.21–45 (Athens on Erythrae, 469/452; C-R); *IG* i³ 15.d36–42 (Athens on Erythrae, 455/445; C-R); *IG* i³ 40.4–16 (Athens on Chalcis, 446/423; B); colonization: *IG* i³ 37.38–55 (Colophon, 447/6 or 427/6; C-B), *ML* 5.7–11 (Thera-Cyrene 645/625; C-B-R); *ML* 5.23–51 (Cyrene [Theran colonists], 399/350; C-B-R); synoecism: *IPArk* 15.53–72 (Orchomenus-Euaimon, 360/350; B-C); members of the koine of Eikadeus: *IG* ii² 1258.2–21 (Athens, 324/3; C); Athenian hoplites (*Plataean oath): RO* 88.23–46 (4th cent. *stele*; Plataea, 479; C-B-R); euthynoi/paredroi: *SEG* xxxiii 147.52, 57–64 (Athens-Thoricus, 430/375; C-R); euthynoi: *IG* ii² 1183.8–13 (Athens-Hagnous or Myrrhinous, 349/325; B-C); lessees: *IG* ii² 1196.a8–13, b5–22 (Athens-Aexone, 326/5; B-C); witness for introduction to the phratry: *IG* ii² 1237.74–113 (396/5; C-B-OSC); tagos: *CID* i 9 Face A, 1–18 (Delphi, 424/350; B-C); hieromnemon: *CID* i 10.3–9 (Delphi, 380/379; C-B); secretaries (?): *CID* i 10.9–15 (Delphi, 380/379; B-R); citizens: Voutiras & Sismanides 2007 (Dicaea, 365/359; B-C). *In courts in Gortyn*: plaintiff/witnesses: *IC* iv 51. 1–14 (499/475; C); plaintiff (?), members of his family and witnesses: *IC* iv 51.1–14 (499/475; C); captor of the defendant and witnesses: *IC* iv 72 col. ii 36–45 (450/440; C). *Unknown circumstances*: *IC* ii, xii.3.2–3 (Eleutherna, 599/400; C); *IG* i³ 42.4–6 (Athens, 445/427; B-C (?))

50 Peace-treaty: *Iliad* 3.245–301 (C-R); reconciliation Achilles-Agamemnon: *Il.* 19.175–275 (C-R); voluntary self-curses: *Il.* 2.257–64 (C); *Il.* 5.212–6 (C); *Od.* 16. 99–104 (C); *h.Herm.* 379–80 (B).

51 Formal oath in the assembly: Ar. *Lys.* 181–238 (411; B-C-R); elicited oath (but explicit self-curse offered): Ar. *Birds* 440–7 (414; C-B); voluntary self-curses: Ar. *Ach.* 151–2, 324, 476–8 (425; C); Ar. *Knights* 400–1, 409–10, 694–5, 767–8, 769–72, 832–5 (424; C); Ar. *Georgoi* fr. 107 (424/422; C); Ar. *Clouds* 1255 (423; C); Ar. *Wasps* 630 (422; C); Ar. *Lys.* 530–1, 932–3 (411; OSC); Ar. *Frogs* 177, 579, 586–8 (405; C); Ar. *Eccl.* 977 (391/90; C); Eubulus *Chrysilla* fr. 115.6–7 (380/330; C); Alexis *Mandragorizomene* fr. 149 (345/322; C); Ephippus *Homoioi or Obeliaphoroi* fr. 16 (350/30; C).

52 Self-curse in alliance(s): Aesch. *Eum.* 762–74 (458; B-C-OSC); Eur. *Suppl.* 1187–1204 (?; C-OSC); elicited solemn self-curses: Soph. *Trach.* 1181–1251 (?; C-OSC); Eur. *Med.* 735–55 (431; C-OSC); Eur. *IT* 737–52 (414; C); voluntary self-curses: Soph. *OT* 249–51, 644–5, 660–2 (420s?; C); Eur. *Alc.* 1097 (438; C); Eur. *Hipp. Kalypt.* fr. 435 (430s?–C); Eur. *Hipp.* 1025–31, 1191 (428; C-OSC); Eur. *Or.* 1146–7 (408; C); Eur. *IA* 948–54, 1006–7 (405; C); [Eur.] *Rhes.* 816 (?-C).

53 Eur. *Cycl.* 253–61, 270–2 (?408; C).

54 Alcaeus fr. 129.13–24 (610/560; C; cf. fr. 306g.9–11).

Oratory	34[55]
History	4[56]
Philosophy	3[57]
Other Prose (medical writings)	1[58]

Out of a total of 3,279 formal and informal oaths or discussions about oaths within the above genres, there are only 117 instances where self-curses are expressly articulated. Undoubtedly, the frequency of the presence of the self-curse as indicated by a single number is not a decisive element for establishing its prominent role in circumstances of oath-taking. Studies aiming to reconstruct the oath-rituals of interstate alliances or civic ceremonies have ascertained the symbolism of the ritual action in strict relation to the self-curse and divine punishment, even in those cases where the self-curse is not always explicitly present in the narratives of these rituals.[59] These studies have shown in detail how the actual performance of the sacrificial ritual enacts the self-curse of the oath. The killing of the animal is described in terms that recall the act of killing itself and the blood of the victim: terms such as "to slaughter" (*sphattein*) and "slaughtered bits" (*sphagia*); and "to cut" (*temnein*) or "cut pieces" (*tomia*) which indicate that the immolation of the victim[60] symbolically represent the potential death of the perjurer should they

55 Dicasts: Andoc. 1.31 (400/399; C); Dem. 24. 148–51 (353; C-B); Dem. 19.219–20 (343; C); Aeschines, 2.232–3 (330; C); Lyc. *Leocr*. 79 (330; C). Prosecutor/defendant: Ant. 5.11–12 (420/413 [homicide]; C); [Dem.] 47.70, 73 (*diōmosia* at Palladium, 357–353/2; C); [Dem.] 59.10 (homicide; 343/340; C); Dem. 23.67–8 (homicide; 352; C-R); Aeschines 2.87 (343; winner of the homicide trial; R-C-Blessings for the dicasts). Witnesses: Dem. 57.22, 53 (345; C); Aeschines 1.114–15 (345; C). Oath-challenges: Lys. 32.13 (400; C), Dem. 29.26, 33, 54 (362/1; C). Self-curses in the courtroom: Dem. 54.38, 40 (355/341; C), 54.41 (355/341; B-C); 19.172 (343; C). Spontaneous cursing outside the courts: Aeschines 3.99 (330; C), Dem. 18.283 (330; C); Dem. 21.119 (347/6; C); [Dem.] 49.66–7 (362; C); Lys. 12.10 (403/2; C). Other official oaths with curses unrelated to judicial proceedings: Aeschines 2.115–16 (343 [for Amphictyones 1st meeting, 7th cent.(?)]; C); 3.109–13, 119–20, 125–8 (330 [Amphictyones 2nd meeting, 595/85]; C); Andoc. 1.96–8 (400/399 [oath of Demophantus, 410/409]; B-C-R); Andoc. 1.126 (witness of the phratry, 400/399; C-OSC); Lyc. 1.79 (archon, ephebes, 330; C).

56 Hdt. 6.86 (490/480; C); Hdt. 1.165 (Phocaeans, ca 540; C-R); Hdt. 4.68–70 (Scythians, 484/415; C-R); Ephorus *FGrH* 70 F 115 (Aetolians-Argives-Epeians, ?; C).

57 Pl. *Phd*. 89b–c (384/379; C); Pl. *Crit*. 119e–120c (361/350; C-R), Empedocles fr. 115.1–12 D-K (465/430; C).

58 Hippocratic *Oath* (425/322; B-C); see ch. 14.

59 See esp. Burkert 1985, 250–4; Faraone, 1993, 2002; Berti 2006; Kitts 2005, 114–87; Parker 2011, 156–9; S&B 151–67.

60 Or the more general terms *hiera* (*IG* i^3 16; Lyc. *Leocr.* 20; Isaeus 7.28; *Ath.Pol*. 1.1.1) and *hiera teleia* (Thuc. 5.47.1; [Dem.] 59.60; Andoc. 1.97–8; Aeschines 1.114; *Ath.Pol*. 29.5.4). For the vocabulary of oath-sacrifices and its symbolism see esp. Faraone 1993; and Berti 2006.

break their oath (i.e. they represent the potential activation of the self-curse). The idea of the animal as a "substitute" for the perjurer[61] is also taken to be present in instances that show that there was *contact* between the swearer and the animal victim[62] or its blood,[63] or even between the swearer and a sacrificial altar.[64]

Other ritual acts, such as pouring libations of wine,[65] melting wax images (see below) or sinking iron-lumps into the sea,[66] all also encourage being read in terms whose symbolism point to a context beyond the ritual action itself – primarily the act of making the self-curse and the punishment that one breaking the oath could look forward to receiving. It may be true that this analogical relationship drawn between the self-curse and the ritual action has been based upon a very few instances where the connection is made explicit, as in the Theran colonists' oath ritual of melting wax effigies in Cyrene (ML 5.23–51):[67]

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61 Parker 2013 singles out the oath-sacrifices – along with homicide purifications and pre-battle sacrifices – as cases of Greek sacrifice in which a symbolic identification between animal and human may be detected, though, as he states, not in the strict sense of "substitution": it "is not the animal's death substituting for that of the human; on the contrary, the animal's death prefigures that of the human in the event of perjury" (150).

62 In Hdt. 6.68.1–2, the mother of the Spartan Demaratus testifies about his paternity with an oath that she swears while holding the innards of a bull sacrificed to Zeus. Cf. also Antiphon 5.12; Aeschines 1.114.

63 Cf. Xen. *Anab*. 2.2.8–9; Aesch. *Seven* 42–9: the seven warriors slit the throat of a bull (*tauro-sphagountes*), catch its blood in a black shield and then dip their fingers in the blood. In Plato's *Critias* (419e–420d) the fictional ritual of the oath of the Ten Kings in Atlantis closely aligns the element of the verbal curse to the symbolism behind the blood of the victim: the kings slaughtered a bull (*esphatton*) over the column where the oaths of the Kings are written which are described as "great curses". The blood of the animal victim covers the letters of this oath: in this way a "contact" of blood (i.e. animal's death) with the written conditional self-curse is established. Distinctively the blood of the victim is mixed with one clot of the participants' blood with wine, emphasizing further the association between swearer and animal. This mixture forms the libation poured over a fire that thus enhances the symbolic destruction of the perjurers.

64 Cf. Andoc. 1.126, where the politician Callias swears by holding the altar of Zeus *Phratrios* that the child of his wife's mother was not his son.

65 e.g. Hom. *Il.* 3. 269–301; Arist. *Lys.* 181–238; cf. also S&B 242 for the pouring of peace libations (*spondai*): "it seems likely that the connection between libations of red wine and the sworn truces was symbolic – truces ended bloodshed, and the libation represents what will happen to those who break the oath, i.e. their blood will be spilt".

66 *Ath.Pol.* 23.5 and Plut. *Arist*. 25.1 (oath of the Delian league); Hdt. 1.165.3 (oath of Phocaeans). See esp. Jakobson 1975, 256–7, and S&B 155–6.

67 See Faraone 1993 for the analogy between word and ritual action. The authenticity of this particular oath-ritual is debated but most scholars agree that it must be genuine: cf. Faraone 1993, 60–2; Graham 1964; 224–6; Gagné 2013, 357–62. There are only two other instances in which a verbalized self-curse is connected through analogy to ritual: *Iliad* 3.297–301 and the Molossian

> If someone does not abide by that oath and transgresses it, may he melt away and dissolve like the images, himself, his seed, and his property.

Yet, despite the limited evidence of this kind of co-existence between word and deed, approaches to rituals accompanying oaths have helped to flesh out the prominent role of the conditional self-curse, by presenting it as one of the potential symbols that ritual acts can acquire.

It is clear, however, that the explicit articulation of the self-curse provides the most obvious way to confirm the prominent role of divine punishment.[68] Its limited presence in certain genres seems to be due to narrative choices. Those studies that have dealt with formal oath-taking in prose texts have pointed to the contrast between historiography and inscriptions. Where inscriptions reveal a relatively high frequency of the self-curse, ancient historians tend to omit references to explicit curses from their oath narratives. Explicit self-curses are rare in Herodotus and completely absent not only from Thucydides, where their absence might have been expected given the author's general avoidance of reference to religious practice,[69] but also from Xenophon who is renowned for his interest in religion and in perjury in particular.[70] The evidence confirms that the same tendency to omit the explicit curse appears in the cognate prose genre of philosophy.

By way of contrast, it is in the direct speech of Greek drama and oratory that our overwhelming evidence for the appearance of the self-curse lies. These genres allow us to examine different contexts and circumstances in which the explicit self-curse brings to the fore the element of conditional divine punishment in oath-taking, even when it is presented by the speaker in reported oaths – as it usually is in forensic speeches. In the following sections we examine drama and oratory with the aim of shedding some light on those contexts and the reasons why speakers emphasize this verbal element, while they also appropriate or elaborate on the standard forms of potential divine punishment in oath-taking.

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ceremony described in *Prov. Coisl.* 57 Gaisford. Bickerman 1976 points to the absence of evidence for a generalised application of this analogy in oath-sacrifices.

68 But, as already claimed, certainly not *the only one*: many other elements can equally increase the perception of divine punishment in oath-taking; see e.g. p. 37 n. 117.

69 Cf. Lateiner 2012, 154–84 for a comparative study on the religious element of the oath in the two historians.

70 For perjury in Xenophon, see S&B 312–20.

2.3 The explicit self-curse in Greek drama

Athenian theatre provides the backdrop for the greatest number of verbalized self-curses among individuals in Greek sources. Through various representations, the Greek dramatic genres offer insights into the awareness of the oath as a self-curse and the presence of divine punishment *in its conditional form* in verbal exchanges among dramatic characters. We can discern two general types of scenarios where explicit conditional self-curses are to be found in drama. First, they appear in long oath scenes, where one character elicits a promissory oath from another (§2.3.1). As part of this more solemn form of interpersonal oath-taking, these self-curses have received relatively more critical interest than those that form the second group: spontaneous and voluntary conditional self-curses offered by a character as an oath, in support of a promissory or assertory statement (§2.3.2). This section will start by examining the form and function of the explicit self-curse in the more formal oath-scenes, but it is the latter group that it mainly aims to bring into focus, given the relative lack of scholarly attention. Spontaneous self-cursing is particularly significant for two reasons: they provide our only avenue of exploration for the presence of a colloquial form of self-cursing in Athenian culture; at the same time, this form is our best evidence of the oath's absolute identification with the self-curse.

2.3.1 The self-curse in elicited oaths in Greek tragedy

Following the norms of formal oath-taking in Athenian life, all three solemn oath scenes in tragedy,[71] in which one speaker elicits a promissory oath from another during an intense stichomythic exchange (Eur. *Med*. 735–55, *IT* 735–58; Soph. *Trach*. 1181–1251), include a verbalized conditional self-curse (Eur. *Med*. 754–5, *IT* 750–2; Soph. *Trach*. 1189–90).[72] The reasons for soliciting an oath on each occasion relate to the speaker's anxiety that his or her interlocutor may not keep their word, especially since they are about to part company. Aegeus meets Medea by chance on his way to Delphi to find a solution to his childlessness; before she lets him go, Medea extracts from him an oath promising his (future) support. Similarly, Iphigeneia demands an oath from the stranger Pylades, before he leaves for

71 There is only one elicited oath in comedy outside a formal framework (Ar.*Lys*. 181–238), but the self-curse is given voluntarily: Aristophanes *Birds* 440–7.

72 See Fletcher 2012, 182–8, 194–202 and 81–9 respectively, for the function of the oaths in these plays, mainly from the perspective of gender.

Greece, to deliver her letter to her brother Orestes. On his deathbed Heracles gets Hyllus to swear an oath, before revealing his appalling demand: that his son must cremate him alive (Soph. *Trach.* 1193–1201) and marry his (Heracles') concubine, Iole (1220–9). In all three instances, the request of a self-curse provides a stronger guarantee against the risk of oath-breaking, as the swearer is asked to ponder the dire consequences of failing to comply and to keep in mind the unfailing power of divine punishment, even after he is left on his own. These three cases are examined here in parallel in order to unpack the religious import of the explicit self-curse in dramatic scenes of interpersonal oath-taking.[73]

Although in these scenes all three elements of the oath-taking procedure are elicited as per the official formal oath (invocation, statement, self-curse – see §1.1), in none of them does the explicit self-curse take the usual form of intergenerational punishment that we typically find in formal oaths. The reason for this seems to lie in the personal circumstances of the swearer. As critics have noted, the vague form of Aegeus' curse – "everything that happens to those mortals who are impious" – departs from the usual punishment upon one's offspring in ways that make sense in the context: Aegeus is childless, and this becomes the primary reason for his agreement to help Medea, since she promises a cure for his misfortune. But this departure from the norm is also apparent in our other two examples. In the case of Hyllus, Heracles proposes a similarly abstract self-curse that his son should "incur calamities" (1189), if he were to depart from the instructions his father lays down. In the case of Pylades and Iphigeneia, the content of their curses reveal their main concern at the moment they are taking the oath, which is their return home (Eur. *IT* 750–2):[74]

> *Iph.* And if you abandon your oath and wrong me?
> *Py.* May I never get home. – And you, if you fail to see me safe?
> *Iph.* May I never set foot in Argos so long as I live.[75]

73 In all three plays revenge-cursing also plays a prominent role and, as a dramatic element, is linked with the element of the oath. In Soph. *Trach.* 383–4, the chorus utters a curse against Lichas for lying and perjury, while Lichas later meets his death; in turn Hyllus curses his mother Deianeira (808–9, 819–20) who becomes a target of Heracles' curse too (1039–40). In Eur. *Medea,* Medea constantly curses Jason, his house and Glauce (112–14, 163–5, 625–6, 764–7, 803–6) and Jason reciprocates after the murder of their children (1329, 1389–90). For revenge-cursing in Eur. *IT* see n.75 below.

74 See Kyriakou 2006, 253 on 747–52.

75 The two curses recall the content of a revenge-curse which Iphigeneia had earlier uttered against Odysseus: "May he perish and never make the return to his homeland" (*IT* 535). The same curse theme appears in Eur. *Hipp.* 1025–31. The inclusion of this self-curse in the letter scene in *IT* resonates with Euripides' *Hippolytus* but does so by inversion: here the self-curse is used to

In both of these cases, status explains the form of the explicit self-curse: those swearing an oath are young and, as yet, unmarried and childless. Therefore, the formulation of a self-curse with no reference to offspring or family is appropriate. At the same time, two of the three cases indicate the functionality of vaguer and more ambiguous formulations of verbalized self-cursing. In the cases of Aegeus and Hyllus, imprecise and open-ended self-curses are used for different purposes:[76] to avoid spelling out a weighty form of divine punishment, as in the case of Aegeus who defines the content of his own self-curse omitting any mention of punishment that would include children, which is his preoccupation; or to maximise the potential of the divine to impose any kind of punishment, even one exceptionally serious, as in the self-curse proposed by Heracles to Hyllus.[77]

Yet, despite the vagueness of Aegeus' curse, scholars have noticed that the audience's extra-dramatic knowledge of the punishment hanging over the swearer's offspring deepens the allusive potential of the imprecise form of Aegeus' self-curses.[78] Jason had given a solemn oath to Medea, which both her nurse (Eur. *Med*. 21–3, 160–3, 168–72), the chorus (208–10, 439–40) and Medea herself (492–5) expressly recall during the play; As critics have argued, the oath-scene between Medea and Aegeus recalls the long-past one between Medea and Jason; thus, the vague formulation of Aegeus' self-curse serves to remind the audience about the punishment that awaits Jason, the "impious" man who broke his oath. We do not know the exact form of Jason's oath (and self-curse): but Medea fulfils the element of the self-curse as an "Erinys" (1260), who brings death and destruction upon their offspring.

It can be claimed that the audience's extra-dramatic experience also informs their assessment of the vague self-curse in Hyllus' case, when the latter is met by an immediate conditional threat from the dying Heracles (Soph. *Trach*. 1202):

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secure the delivery of the content of Iphigeneia's letter, whereas Hippolytus uses the same form of punishment in an oath in a repetitive attempt to *revoke the content* of Phaedra's letter and prove that he is not an evil man, as his step-mother had alleged. For the letter-oath combination as a common element in the two plays see Fletcher, 2012, 197–8. For this form of divine punishment ("being kept away from one's homeland") in verbal cursing, cf. the well-known curse of the Cyclops against Odysseus (Hom. *Od*. 4.551–60); and, [Eur.] *Rhes*. 720.

76 A vague form of self-cursing in oath-taking is also found in the formal oath of the reconciliation between Achilles and Agamemnon in *Iliad* 19.175–275, where Talthybius defines the conditional self-curse as "all the misfortunes that gods give to perjurers" (19.264–5).

77 For the latter case, cf. Strubbe 1991, 35–6, who notes a similar function of vague conditional curses in inscriptional documents.

78 For the use of oaths in the play in favour of Medea's position see esp. Boedeker 1991; Kovacs 1993; Burnett 1998, 192–224; S.R. West 2003, 443–4; and Mossman 2011, 42–5; *contra* A. Allan 2007, 113–24.

> If you do not (fulfil my demands), I shall remain a grievous curse upon you even below the earth!

Heracles' curse belongs to a common form of revenge-cursing in literary sources – that of a dying person, here a dying father directing a curse against his son.[79] At the same time, however, Heracles presents *himself* as a conditional curse, to be activated should Hyllus fail to keep his promise to prepare his funeral pyre. This curse seems to gesture towards Heracles' future status as a hero/god – potent in imposing punishment – in the cult ritual of the audience's reality, which critics have seen being activated or alluded to as the tragedy draws to a close.[80] But more specifically, it can be taken as one manifestation of the vague self-curse of the oath itself and this understanding is backed up by the language of the oath. First, Heracles demands that Hyllus take an oath on the "head of Zeus" (1185), an invocation used elsewhere only by divinities.[81] Second, Heracles' exchange with Hyllus may allude more specifically to his role as an oath-god who fulfils self-curses: there are no fewer than nineteen invocations to Heracles as the divinity overseeing oath-taking, *all among males*.[82] Thus, constructing himself as a conditional curse, Heracles temporarily assumes the role of a divine figure who can by himself represent and bring to fulfilment the divine punishment of the oath.[83]

Within this framework of references to the divine powers and their role in self-cursing, it is worth noting that different rhetorical strategies for invoking the gods, as an accompaniment to the explicit self-curse, can help bolster the fear of

79 Cf. Aesch. *Cho.* 405–6. For the curse of the dying/dead in tragedy: Soph. *Aj.* 835–44 [839–42], 1389–92; Soph. *El.* 110–16; Soph. *Trach.* 807–12; Eur. *Med.* 1389. Or instances in which the Eriny(e)s appear to be activated by a dying/dead person: Aesch. *Sept.* 574; Soph. *OC* 1298–9, 1434; Soph. *El.* 276, 489–501, 1384–92; Eur. *IT* 931–5, 961–82, 1439; Eur. *Or.* 237–8, 255–75, 582–4.

80 I am in agreement with the balanced reading of the ending by Easterling 1981 and 1982, 9–11 that there might be a potential allusion to the cult of Heracles in the audience's reality, but the ending is surely not only about Heracles' apotheosis. In general, spoken curses have been widely used to support the argument about the evocation of hero cult and ritual on the tragic stage: see eg. Burian 1972, 153 and 1974, 425–8; Henrichs 1993, 166–8; Seaford 1994, 123–39. For dramatic self-representations of characters as a conditional curse, cf. Aesch. *Eum.* 767–74 for which see p. 00 [17] n. 35. Also in Eur. *IT* 778, Iphigeneia claims that if Orestes does not come to take her back to Argos, she will become a curse upon him (*araia*).

81 Cf. e.g. *Iliad*.15.36–46; Sappho fr. 44A and Torrance 2009. See §7.3.

82 In formal oath-taking Heracles is invoked among the 19 powers of the ephebes' oath (RO 88.5–16, *SEG* xxix 77); but mostly he is present in informal oaths: Ar. *Ach.* 860, *Knights* 481, *Wasps* 757–8, *Birds* 1390–1, *Thesm.* 26–7, *Wealth* 337–9; Dem. 18.294; Aeschines 1.88, 3.212.

83 This is simply an allusion, since a few lines later, in *Trachiniae* Heracles uses a vaguer invocation for the oath: he invokes "the gods" to fulfil the curse of the oath (1239–40) and to be his witnesses (1248–51).

divine punishment. Both in Euripides' *Medea* and *Iphigeneia in Tauris*, the invocation figures *immediately before* the utterance of the curse, and not, as we might have expected – taking into account the tripartite form of the oath – at the beginning of the oath scene. This combination gives prominence to the god's power to enforce punishment. In the invocation itself, Medea asks Aegeus to take an oath in the name of three powers, Zeus, Helios and Gaia (746–7). As mentioned in the introduction, Zeus is the god with broader jurisdiction over the self-curse, a fact that becomes clear within the play itself;[84] the other two powers are often combined as divine witnesses in oath-taking because they "oversee" everything,[85] a feature that makes them also ideal avengers, as their presence in revenge-cursing confirms too.[86] In *IT* the choice is defined by the swearer's status, which again increases the potential of divine punishment: Iphigeneia takes a female oath with an explicit self-curse in the name of Artemis whose priestess she is, which Pylades can cap only by invoking the ultimate authority of Zeus (748–9). The placement of the self-curse, then, in combination with the naming of well-chosen divine powers, emphasizes the religious framework of the oath process.

84 In fact, both Zeus and the Erinyes are presented as possessing a broader power over oath and perjury in this play. In lines 160–2, Medea invokes Themis and Artemis to witness the perjury of Jason; but in the choral leader's repetition of Medea's words, Zeus "who is the steward of oaths for men" replaces Artemis (168–70). And when Medea fulfills the curse of the oath with the killing of her children, as already mentioned, she becomes an Erinys (1260). For the role of Zeus *Horkios* cf. Eur. *Hipp.* 1025 and Soph. *Phil.* 1324.

85 Usually divine epithets or attributive qualifications which are used in oaths aim to please the gods, e.g. ἀδμήτα (Artemis: Soph. *El.* 1239–42; Athena: Ar. *Knights* 767–8), σεμνὴ … Διὸς κόρη (Artemis: Eur. *Hipp.* 713), Διὶ φίλος (Apollo: *Iliad* 1.86), or φίλη (Demeter: Antiphanes fr. 26). Yet, Euripides' plays reveal a marked preference for more "vengeful" aspects of the gods, and this influences the perception of divine punishment upon the oath-taker. The "archer goddess" (τοξόδαμνος) Artemis is called upon by Hippolytus to witness that he is acquitting his father of his murder (Eur. *Hipp.* 1451); some thirty lines before, the goddess on stage said that she would give Hippolytus honours in Trozen but also that she would *destroy Aphrodite's favourite* (Adonis) *with her inescapable arrows* (*Hipp.* 1417–25). In Euripides' *Ion*, Creusa calls upon Athena the Gorgon *slayer* (Γοργοφόνα) to witness that she and Apollo are the parents of Ion (Eur. *Ion* 1478). The epithet resonates with the earlier presentation of Athena as the killer of the Gorgon (987–98); as Lee 1997, 310, states, the invocation lends irony to the scene since the poisonous blood of the Gorgon almost killed her son. Cf. also the use of epithets such as the "murderous" (φοίνιος) Ares, in the invocation of Menoeceus after his decision to sacrifice himself for the sake of Thebes (Eur. *Phoen.* 1006); or the negative image of the "black haired" (μελαγχαίτης) Hades in Eur. *Alc.* 438.

86 Cf. e.g. Aesch. *Ag.* 1322–6; see Strubbe 1991, 70–1 and n. 49 for the Sun's association with cursing. For the presence of the same powers in formal oath-taking, cf. e.g. Burkert 1985, 251 and S&B 160–7. Of course, in the particular case of Medea, the invocation to the Sun, as her grandfather, carries further dramatic implications for the finale of the play.

In ch. 6 it will be shown how the presence of various sanctifying features in formal oath-taking gives additional weight to the oath and, further, can enhance the threat of divine punishment (i.e. the conditional self-curse).[87] Here though it is worth pointing out a somewhat different means of divine empowerment as it appears in one of the above cases, Aegeus' self-curse, which gives particular prominence to the vengeful aspect of the gods. This is *the placement of the curse within the ritual of supplication* enacted by Medea in her role as the suppliant to Aegeus. The ritual process in the case of Medea coincides with a point made in Plato's *Laws* (730a), when the Athenian speaker articulates the connection between supplication and the sanctity of the oath, bringing to the fore the god's vengeful role in cases of oath-breaking:

Of wrongs enacted against either strangers or natives, that which concerns suppliants is in every case the most grave; for when a suppliant, *after invoking a god as witness,* is cheated of his agreement, *the god becomes the special guardian of the wronged person, so that he will never be wronged without vengeance being taken*.

The agreement in favour of the suppliant can be sealed with an oath that makes the god a (conditional) avenger against the person supplicated.[88] This is exactly what happens in the case of Medea: Medea puts herself into the position of a suppliant (709–13), and, once Aegeus promises to offer his help, she asks him to swear an oath (719–55); it is only after he invokes the self-curse upon himself that the supplication comes to an end (756).[89] Through this process, Medea passes from the protection of Zeus *Hikesios* to the protection of the gods invoked in the oath, now ready to fulfil the divine punishment should the oath be broken. This pattern with an explicit self-curse is found in other supplication rituals in Greek tragedy and the sequel confirms the decisive role that the oath as a *conditional self-curse* can play within the Greek ritual of supplication.[90]

87 e.g. for the oaths here discussed, Iphigeneia's is taken in the presence of the statue of Artemis, which increases its religious power, while Hyllus' oath is marked by the gesture of hand-clasping (1181) using human contact to lend it greater power.

88 See Naiden 2006, 122–36 for betrayal in the "fourth step of supplication" which consists of a pledge or oath. He draws attention to Poll. 8.142 where Solon asks the Athenian to swear by Zeus *Hikesios*.

89 The conditional self-curse of Aegeus balances the suppliant's – Medea's – earlier spontaneous blessing (714–15).

90 Cf. Eur. *IA* 900–36 where Clytaemestra supplicates Achilles to help her and Achilles, accepting her supplication, takes an oath with a strong curse (948–54); Eur. *IT* 1060–78 where Iphigeneia asks the women to keep secret her plan with Orestes, the women agree, and Iphigeneia replies with a blessing (1078–80); and Eur. *Suppl.* 260–2 where an oath by the gods, Earth, Demeter

2.3.2 Voluntary self-cursing in Greek drama

With the exception of these three relatively formal instances of self-cursing elicited between individuals, the self-curse in Greek drama marks an act of oath-taking that the swearer himself makes *willingly*. Befitting its voluntary nature, this self-curse is rarely supplemented by an invocation to more than one divine power (e.g. Eur. *IA* 948–54, *Cycl.* 262–9). Similarly, it is not that often that the type of 'informal oath', with its standard feature of divine invocation (see ch. 13), is combined in drama with a self-curse of the type: "by Zeus, may I die! [if I break my oath]" (Ar. *Lys.* 932–3).[91] In the vast majority of cases instead, voluntary conditional self-cursing appears in a plain form of the type: "*may I die if I* am scared of you!" (Ar. *Wasps* 630) – a form that explicitly marks the nature of the oath as a conditional self-curse and is found predominantly in drama.[92] Comedy shows a particular liking for this form of spontaneous self-cursing (21 out of a total of 32 in the three dramatic genres), which, along with the high frequency of informal oaths more generally, are part of comedy's arsenal of more impulsive forms of expression; they are more sparingly used in the "serious" genre of tragedy (9 out of 32).[93] In their typical short form, these self-curses simply invoke death upon the swearer.[94] But, as some of the following examples will show, they can vary in form, length and content, depending on the purpose of the swearer. The following section will mark some of the contextual circumstances that accommodate these voluntary self-curses; it will also show some of the ways through which their religious solemnity increases in the context in which they are found.

In two of its occurrences in tragedy the self-curse marks the swearer's effort to convince a highly mistrustful character about the truthfulness of a claim. In

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and the Sun is proposed but not taken after a supplication scene. In Soph. *OC* 640ff, although no oath is demanded after Oedipus' supplication (650), Theseus speaks later as if he had taken it (1760–7; see §5.2). For an oath with a self-curse in the language of the suppliant see Eur. *Or.* 1516–17.

91 See also Ar. *Knights* 409–10, 832–5; Soph. *OT* 660–2; Eubulus fr. 115.6–7. With only a single invocation: Ar. *Knights* 767–8; Eur. *Hipp.* 1191.

92 In other sources, it is found three times in Homer (*Il.* 2.257–64, 5.212–16; *Od.* 16.99–104) and only once in oratory (Dem. 19.172). For the self-curse as a sole linguistic marker for the oath see §5.1.

93 See table pp. 20–1 with nn. 51–3 .

94 In the great majority of the instances the optative has the form of ἀπ-/ἐξ-ολοίμην. In four cases we find the form μὴ ζώιην (Ar. *Knights* 832–5, *Clouds* 1255, *Lys.* 530–1; Eur. *Or.* 1146–7), and three times θάνοιμι (Ar. *Eccl.* 977; Eur. *Alc.* 1096, *IA* 1006–7).

Sophocles' *Oedipus the King*, first Creon uses this form of cursing as he attempts to rebuff Oedipus' charge of political conspiracy (*OT* 644–5):

> May I not prosper but may I die accursed,
> if I have done to you any of the things you accuse me!

The chorus back Creon up and try to convince Oedipus to believe his self-curse which they clearly identify as an oath ("respect the one who was not previously foolish and now he is strong *in his oath*", *OT* 653).[95] When in turn they find themselves accused of planning the king's exile and death (658–9), they reply with a much more emphatic self-curse than that used by Creon (*OT* 662–4):

> No, by the foremost of the gods, the Sun!
> May I perish in the most terrible way, abandoned
> by gods and friends, if I harbour this thought!

Clearly, the more elaborate the formula, the more likely the curse is to have the desired effect on the listener. The chorus' conditional wish for death in isolation ("away from gods and friends") appropriates Oedipus' fears that they are planning his *exile* and death and turns it against themselves. In Euripides' *Hippolytus* the self-curse is applied in a similar way and context: by invoking destruction upon himself, Hippolytus tries to convince his disbelieving father, Theseus, that he is not an evil man (Eur. *Hipp*. 1030–1), an effort that totally fails in its purpose since Theseus' mind is already made up and all Hippolytus achieves is to anger him further (1036–59). In his case, the self-curse is an actual extension of his oath that he has not slept with his stepmother Phaedra (1025–9).[96] Thus, in both plays, the self-curse is combined with another self-curse/oath, albeit in different ways;[97] and in both cases their combination is designed to enforce their reception as effective religious utterances in an ultimate effort to make the collocutor change his mind.

Athenian comedy displays the same tendency towards combined self-curses, but here they extend beyond pairing. The comic genre provides the longest and

95 Cf. also Iocasta's similar prompting in Soph. *OT* 647.

96 There are in fact two oaths in the lines 1025–30 – which are usually taken as one: 1025–7 with the statement 'I have never touched your wife' and another one in 1027–31 with the statement 'I am not an evil man'. The self-curse is attached to the latter but its positioning facilitates a connection with the former as well. See on this Halleran 1995, 237, *ad* 1028 and, more generally, Segal 1972 for the close-bound interrelation of oaths and curses in *Hippolytus*.

97 For combination of self-curses with another oath (formal or informal) in the immediate context cf. Ar. *Ach*. 151–2; *Wasps* 630; *Clouds* 1255; Ar. *Knights* and *Frogs* below.

most elaborate instances of verbalized self-cursing in all Greek literature, and their application is in accordance with its fondness for humorous twists and witty turns of phrase. As might be expected, self-cursing becomes the verbal means for parodying Athenian individuals. The elaborate combination of self-curses in the *Homoioi* of Ephippus offers one such case (fr. 16):

> May I be forced to learn by heart dramas by Dionysius and
> Demophon's poem about Cotys;
> may Theodorus recite speeches to me over dinner.
> May I live next door to Laches;
> may I have Euripides as a dinner guest
> and supply him with cups.

In this example we get a glimpse of the comic poet's use of the self-curse against contemporaries[98] (Laches, Euripides)[99] including poets (Dionysius, Demophon) and actors (Theodorus). Self-cursing can also serve to underline comedy's exuberance and its practitioners' flair for one-upmanship.[100] In Aristophanes' *Birds* (440–7) the chorus's concern to win the vote in the dramatic competition and gain the approval of the audience is expressed through a self-curse, which proves not to be one at all.[101]

Embellished or repetitive self-cursing is not only used for attacks of poetic rivalry and competition. It also forms a means of rivalry and verbal competition within the drama itself, as is strikingly evident in Aristophanes' *Knights*. The use of self-curses marks the opening of the verbal contest between its two protagonists, Paphlagon/Cleon and the Sausage-Seller, who compete for the attention of the personified Athenian Demos. The verbal and emotional framework that accommodates these verbal acts there – the expression of faithfulness, love and loyalty – is a typical context for self-cursing elsewhere too (Ar. *Frogs* 579; Eur. *Alc.* 1096; Eubulus fr. 115.6–7; Alexis fr. 149). Paphlagon starts by praying to Athena

98 See further e.g. the attack on the politician Callimedon, Alexis fr. 149: "if I love any foreigners more than you, may I be turned into an eel and purchased by Callimedon, 'the Crayfish'". Cf. also the attack on the 'social group' women in Eubulus fr. 115.6–7.

99 This Euripides is not the poet but a contemporary of Ephippus, who must have been a prominent figure in the symposia of the time, if we are to judge by Ephippus fr. 9 and Anaxandrides fr. 33.

100 The well-known attack on Cratinus in Ar. *Knights* 400–1 is given in a form of a self-curse: "if I don't hate you, may I turn into a blanket in Cratinus' house and be coached to sing in one of Morsimus' tragedies!"

101 "… my reward to be, that I shall be victorious by the verdict of all the judges and all the audience … But should I break my oath, then let me win by just one vote."

(*Knights* 763–6)[102] that, if he proves to be a worthy servant of Demos, he may enjoy free maintenance at public expense. It is as an extension of this prayer that he adds a self-curse (767–8):

> But if, Demos, I hate you, if I am not the only man who provides resistance and fights for you, then may I perish and be sawn in two and cut up into yoke-leather straps!

Paphlagon's words prompt the Sausage-seller to reply in kind, only more so (769–72):

> And may I, Demos, If I do not love and cherish you, be cut up and boiled with mincemeat! And if you don't believe that, then may I on this table be grated with cheese into a savoury mash, and may I be dragged by the balls with my own meat-hook to Cerameicus!

It is because the self-curse is conceived as a powerful verbal act that can exercise a strong impact on a third party (here, the naïve Demos) that the second speaker feels the need to add his own self-curse. And, precisely because of expectations that this initial utterance has clout, his must be greater in number and import than the first. This is not the only case where we find competitive conditional self-cursing in Greek literature (cf. Eur. *Cyclops* 262–72 and Dem. 54.38–42). Within this context, we may also note, along with Sommerstein 1981 (*ad loc.*), that the form of the self-curses derives neatly from each speaker's professional trade, which enhances the idea of *competition in trade* but, here, with the competitors being in different professional domains.[103] Yet the self-curse with which the Sausage-seller trumps Paphlagon extends the concept of cursing in another way too. His emphasis on "cutting" (*katatmētheis*), while indicative of his trade as a sausage-seller, may also resonate with the sacrificial ritual accompanying

102 The prayer itself parodies the one in the Athenian Assembly: cf. *Th.* 331–51 and *Eccl.* 171–2 and see Horn 1970, 44. For Athena's epithets in this prayer as *despoina* and *medeousa* cf. Anderson 1995, 16–22. Athena is one of the few deities receiving cult epithets in oath-taking: *Polias* (*SEG* li 642.1–29); *Pronaia* (Aeschines 3.109–13, 119–20); *Nike* (Eur. *Ion* 1526); *Pallas* (Stesichorus *SLG* 102.1). Other deities include: Aphrodite *Paphia* (Ar. *Lys.* 554–6); Apollo *Pythios* (*CID* I 10) and *Paean* (Pl. *Laws* 664c); Hermes *Agoraios* (Ar. *Knights* 296–7); and the comic designation of Poseidon as *Halykos* (Ar. *Lys*. 403).

103 Each self-curse may comically reverse the application of cursing against competitors, as we find it e.g. in the ancient Potter's Hymn (*Life of Homer* 32 = Hes. fr. 302 M-W) or in certain curse-tablets (e.g. *DTA* 69, 70, 74): here the speakers turn the curse against one's self and one's own profession. See Eidinow 2007, 191–204 on curse-tablets in business competition – she warns that caution is needed in placing some of them strictly within the domain of business.

oath-statements.[104] If this is right, then the Sausage-Seller's association with the sacrificial animal "to be cut in pieces" only serves to further underline the power of his self-curse.

In spite of the emphatic and elaborate combinations in all the above cases, both in comedy and tragedy, in none of them have we encountered the conditional punishment that one's *offspring* will suffer, the commonest form of divine infliction noted in formal oaths. Its application appears to be far more restricted in voluntary acts of self-cursing than in formal oaths; but this does not mean that it is not used at all. Indeed, in Aristophanes' *Frogs*, its full potential as the strongest form of conditional self-cursing comes to the fore, when it replaces a shorter self-curse that had previously failed in its attempt to convince. In their hazardous trip to Hades, Dionysus attempts to persuade his servant Xanthias to adopt the guise of Heracles, one of the few heroes who made it to the underworld and back. At first Dionysus uses a self-curse as a persuasive tool to declare his love (579):

> May I perish most miserably, if I don't love Xanthias!

Since, however, Xanthias remains entirely unconvinced, and for good reason,[105] Dionysus utters another, much stronger self-curse that extends to encompass his family (586–7):

> But I swear, if ever I take it away from you again [the Heracles costume], may I perish most miserably root and branch, my wife and children too, and bleary Archedemus!

Only now does Xanthias accept Dionysus' oath (588) and don the lion-skin outfit. It is the more extensive self-curse, which extends its dire consequences to the whole family, root and branch,[106] (including here – the comic twist – the eye-diseased Archedemus) that manages to convince.[107] There is a somewhat different take on the threat of punishment against one's offspring used in voluntary oaths in Euripides' satyr drama *Cyclops*.[108] In an effort to convince the Cyclops

104 I am grateful to Christopher Faraone who brought to my attention the 'cut' words in this example in private communication.

105 Earlier in the play Dionysus had already asked Xanthias to wear Heracles' costume (494–7); he accepted (498–500) but was then forced to hand it back to Dionysus after a dinner invitation by Persephone (522–33).

106 Cf. the use of the phrase "root and branch" in a different kind of conditional cursing by Ajax in Soph. *Aj.* 1178 and also in revenge cursing in Eur. *Hipp.* 683.

107 Not, of course, that we are to take his self-curse seriously: see §7.3.7.

108 See §10.1 and Fletcher 2012, 146–57 for oaths and perjury in this play.

that he was not trying to sell the monster's property to Odysseus, Silenus takes an oath invoking death only for his sons – he actually excludes himself from its compass (262–9)! But his sons object: they counter their father's oath by issuing a revenge curse against him (270–2). No other self-curses extending to the offspring are found in interpersonal oath-taking in the dramatic corpus, a fact that shows that this form was primarily intended for special and solemn circumstances of oath-taking.

When we previously noted religious elements in proximity to dramatic representations of the self-curse, such as the prayer to Athena in Aristophanes' *Knights* or the presence of another oath/self-curse, we observed various enhancements with respect to the self-curses' impact and credibility. But often the self-curse in its short form is used voluntarily on its own.[109] On these occasions, it can simply underline threatening statements (Ar. *Knights* 832–5, *Clouds* 1255; Eur. *Or*. 1146–7) or make emphatic denials of accusations (Ar. *Eccl*. 977); and, always, the self-curse forcefully expresses an emotional state, usually anger or frustration (e.g. Ar. *Ach*. 324; Ar. *Lys*. 530–1; *Ach*. 151–2), sometimes hate (Ar. *Knights* 400–1), but also, as we saw above in Aristophanes' *Knights* and *Frogs*, love and loyalty. In the majority of these cases, the reaction of the interlocutor is not reported, and so we cannot assess whether the self-curse affected the behaviour of the addressee. There exists, though, both in comedy and in tragedy, some evidence that the self-curses could indeed carry a powerful impact. In Euripides' *IA*, a self-curse by Achilles in his meeting with Clytaemestra expresses his determination not to let Iphigeneia be sacrificed (Eur. *IA* 1006–7);[110] this makes Clytaemestra immediately express her gratitude in the form of blessings for the support she receives (1008). In Euripides' *Alcestis*, Heracles' insistence that Admetus should remarry leads Admetus to utter a self-curse (1096) with which he proclaims his loyalty to Alcestis, and Heracles abandons at once the attempt to convince him otherwise. Similarly in comedy, Aristophanes' *Acharnians*, a play that shows fondness for this form of expression (*Ach*. 151–2, 324, 476–8), provides a case of an anxious reaction by the collocutor after the utterance of the curse.[111] The men of Acharnae utter

109 e.g. the formula *thanomi* "may I die", whenever it is used, is not related to any other religious registers.

110 Admittedly though, this conditional self-curse reinforces a stronger oath with an explicit self-curse taken by Achilles that he would not allow Iphigeneia to be sacrificed. However, this oath appears not in the immediate context but was uttered 50 lines earlier (*IA* 948–54).

111 The first self-curse is more "religiously loaded" than the others: when the Athenian ambassador Theorus claims that Sitalces, the Thracian king, intends to help the Athenians, and "proves" this by pointing out that he had poured a libation and taken an oath (141–50), Dicaeopolis counters by swearing his own oath in a form of self-curse: he does not believe anything of

a self-curse in order to express their strong rejection of Dicaeopolis' request to present his views about the peace with Sparta; as a result Dicaeopolis is obliged to try much harder to appease his antagonists (*Ach.* 324–5).[112] These instances show that the self-curse, no matter how brief or seemingly inconsequential, can have a powerful influence on the interlocutor and can change his or her course of action accordingly.

The examples considered in this section, relating to volunteered and/or spontaneous acts of self-cursing (especially in comedy), are the closest means by which we can get a glimpse in to the existence and use of colloquial self-cursing. In their shortest form as simple self-curses, they constitute strong evidence of the nature of the oath as a conditional self-curse. Their power generally varies according to their combination with other religious elements. Nevertheless, while they may be perceived as having a stronger or weaker impact for that reason, their religious significance is rarely denied. This is clear in the sincerity of the swearer's intention when they are used; even in comedy, where intentional perjury is much more frequent than in any other dramatic genre,[113] hardly ever are self-curses attached to untrue statements or promises. The audience might be suspicious of the self-cursing of certain characters, such as the Sausage-Seller in *Knights*, especially since he had admitted in the play that he is a perjurer (Ar. *Kn.* 297–8; 418–24; 1239).[114] But, so long as comedy's twists allow us to judge, when characters consciously invoke the idea of divine punishment in making a conditional self-curse, they do not do so for statements that they do not perceive as true.

All of the cases examined above concern explicit self-curses uttered in direct speech in dialogue. The next section focuses on lawcourt speeches and examines the frequency, contexts and purpose of their use, again in the direct speech of individual speakers. But as we shall see, it is mainly their appearance as an *inserted* verbal act envisaged in relation to past or future circumstances of oath-

what Theorus said (151–2). Thus Theorus tries again to win the Assembly over by citing further evidence (Sitalces has sent Thracian soldiers to Athens: 153–4).

112 *Pace* Olson 2002 *ad* 323–5 who takes the view that the first response of Dicaeopolis to this curse ("please don't, Acharnians") is not related to the self-curse but to the chorus adopting a threatening position against him. The effectiveness of cursing is reversed in Ar. *Ach.* 476–8: Dicaeopolis' self-curse "may I perish most miserably if I ask you for anything again – except just one thing, just this, only this: give me some wild chervil, 'that as thy mother's heir thou didst acquire' " fails to convince Euripides, who takes offence at the slur on his mother's status.

113 See Sommerstein 2007b and §13.2 below.

114 Sommerstein 2007b, 137 claims that "there is no clear instance of [the Sausage-Seller] actually committing perjury during the play itself".

taking that confirms the speakers' acknowledgement of the religious character of the oath.

2.4 The explicit self-curse in law-court speeches

In S&B ch. 5, a thorough analysis of oaths in the judicial sphere showed in detail that they were an indispensable part of many procedures in the Athenian legal system.[115] There it was mentioned in passing that the formal oaths of dicasts, litigants and, sometimes, witnesses included explicit conditional self-curses. The same verbal feature has also been emphasized in studies on the reconstruction and symbolism of formal oath-rituals related to the judicial proceedings, especially those of homicide trials.[116] The last part of this chapter examines some applications of the *verbalized self-curse* in specific rhetorical contexts within the Attic oratorical corpus. It does *not* attempt an exhaustive study of the element of fear of the divine in general as an argument in lawcourts, an issue that has recently received attention in a full-length study.[117] Instead, the main emphasis here lies mostly on the variations of the typical form of the self-curse, when it is adopted and adapted by litigants in the forensic speeches. More specifically, the section aims to bring to focus its persisting presence and application in *imaginary scenarios of oath-taking* or *oath-breaking* raised by the speaker *in support of his case*. The appearance of the explicit self-curse in rhetorical speeches, apart from confirming the conceptualization of the oath as a self-curse throughout the classical period, at the same time demonstrates its function as a verbal element that forms, through its manipulation, one of the rhetorical strategies open to litigants in a trial. The following material is organised according to the types of oaths related to the court procedures,[118] as raised and presented by the speakers themselves: the sole focus here is on the explicit self-curse.

115 For all of this, see S&B 58–118. See also ch. 9 in the present volume.

116 See esp. MacDowell 1963, 90–100, Faraone 2002.

117 Martin 2009. Specifically for oaths, in addition to self-curse, a simple mention of perjury, for instance, without any reference to the explicit self-curse, or a reference to impiety in a context of oath-taking, would certainly have increased the perception of divine intervention and punishment, as Martin's study makes evident.

118 Self-curses are further included in formal state or interstate oaths introduced within the speeches: Aeschines 3.109–13, 119–20, 127 (Amphictyonic oath); Andoc. 1.96–8 (oath of Demophantus); Andoc. 1.126 (oath for child's admission to the phratry).

2.4.1 Dicasts' explicit self-cursing

Given the prominence of the Erinyes as Curses in framing the establishment of the Areopagus court and defining the activity of the dicasts in Aeschylus' *Eumenides*, we might expect that the use of the conditional curse in reminding the jurors of divine punishment would be widespread in forensic speeches. Yet, so far as we can tell from the extant speeches, such admonitions are not that frequent and, also, they are limited to the ordinary lawcourts.[119] According to Demosthenes' *Against Timocrates*, which preserves the wording of what is claimed to be the heliastic oath (24.149–51)[120] – probably the most prominent oath in Athenian life, being taken by some 6000 men every year – this self-curse took the typical form of utter destruction and was accompanied by blessings (24.151):[121]

> This is to be sworn by Zeus, Poseidon and Demeter, *to invoke utter destruction on* [*the swearer*] *himself and his house, if he transgresses any of these provisions, but to have many blessings if he keeps his oath*.

It is highly instructive that among more than one hundred references to this oath in surviving oratory, in which the dicasts are constantly being urged to keep in mind different parts of their oath-statement,[122] there are only four explicit reminders specifically pertaining to the self-curse of their oath (Dem. 19. 219–20, Aeschines 3. 233, Andoc. 1.31, Lyc. *Leocr*. 79). Leaving aside its broader applica-

119 In fact, the *Eumenides* is our only direct source either for the existence of the judges' oath in the Areopagus' Council (*Eum*. 483, 489, 621, 680, 710) or, through the part played by the Erinyes, the existence of a conditional self-curse. But see p. 16 with n. 39 for the distortion of the court procedures in *Eumenides* which are closer to those of the ordinary court. According to S&B 112, the fact that speakers in rhetorical speeches never make any direct appeal to the oath of the Areopagus Council – nor to its explicit conditional self-curse either – shows that there was "a rule of etiquette … involved": the Areopagus Council was thought of as too august a body to need reminding about its oath.

120 See S&B 69–80 for a thorough analysis of the different parts of the dicasts' oath, as preserved in Dem. 24.149–51 and the various arguments about their authenticity (cf. further, Bonner and Smith 1930–8, ii 152–5; Mirhady 2007**;** and Martin 2009, 77–82).

121 The exact form of the curse varies in the sources. In Andoc. 1.31 the 'greatest curses' of the dicasts' oath are said to be again directed against themselves and *their children*. On the other hand, in Lyc. *Leocr.* 79, the self-curse takes the form of "destruction against oneself, one's children and one's whole *genos*"; but, since the orator is making a general statement about the self-curse of the dicasts, *archon* and *idiōtēs* (see n.123 below), he may well not be reproducing the precise wording of any of these three oaths.

122 Mainly "to vote with justice" or "in accordance with the law"; cf. the discussions cited in n. 120.

tion in the Lycurgus passage, in the rest of the cases the presence of the self-curse has one core function: to remind and warn the dicasts of the divine consequences that follow hard upon a wrong decision.[123] In Andocides 1 (*On the Mysteries*) the curse is mentioned in a strongly religious context, where the dicasts are identified as initiates in the Eleusinian Mysteries. The speaker reminds the jurors that they have taken the most solemn oaths, *invoking the greatest curses to fall upon themselves and their children* in order to guarantee that they will condemn only the impious and save those who have not committed any wrong (1.31). In a more direct fashion, in Demosthenes 19 (*On the False Embassy*), the dicasts are warned that, should they vote for Aeschines' acquittal, they would be committing perjury and, as a consequence, *take their curse home with* them (19.219–20).[124] In Aeschines 3 (*Against Ctesiphon*), Horkos, in his well-known personification of divine punishment, is said to "haunt and torment" the dicast who took a wrong decision (3.233). In all of these cases, the speaker reminds the dicasts of the constant threat of divine punishment that hangs over them, which however, remains only at a hypothetical level: as long as they came to a just decision (in favour of the speaker, naturally), they would avoid such dire repercussions. Therefore, although the explicit self-curse is not as frequently raised as the other parts of the dicasts' oath, it is still employed by the speaker as a "secure" means of applying pressure upon the judges.

2.4.2 Litigants' explicit self-cursing

In contrast to the dicasts' explicit self-curse, which is found only in ordinary trials, self-cursing by litigants is attested exclusively in homicide trials (see S&B 113–15). Its special position in the oath-taking by both litigants before the proceedings (*diōmosia*) and, further, by the winner at the end of the trial,[125] has attracted attention especially because of its combination with an elaborate ritual. Focusing

123 Lycurgus (*Leocr.* 79) mentions the three oaths "that hold democracy together", the oaths of *idiōtēs* (i.e. the ephebic oath), *archon* and dicast. Yet, these oaths appear in a context where perjury becomes an issue: Lycurgus argues that men are often deceived but no one who has broken his oath can deceive the gods and that, if a perjurer does not suffer himself, *his children and his family will suffer great misfortunes*. It is evident that his words form an indirect warning to the dicasts in the present trial to avoid perjury.

124 On this, see Martin 2009, 79–80 who states that "direct intimidation of this sort cannot be found in any other speech of Demosthenes" (80).

125 In the oath of the winner, the litigant cuts in pieces the sacrificial victim and "invokes destruction on himself and his house, but prays that the jurors who voted for him have many

only on the rhetoric of our main source for this oath ritual, we can easily discern a clear identification of the oath as a conditional self-curse (Dem. 23.67–8):

> On the Areopagus, where the law allows and orders trials for homicide to be held, first the man who accuses someone of such a deed *will swear an oath invoking destruction on himself and his family and his household*, and no ordinary oath either, but one which no one swears on any other subject, standing over the cut up pieces of a boar, a ram, and a bull which have been slaughtered by the right persons on the proper days, so that every religious requirement has been fulfilled as regards the time and as regards the executants. (trans. D.M. MacDowell 1963, 90–1)

No other part of the actual oath is mentioned here,[126] apart from the self-curse: the oath is defined not by the content of its statement, but *by the actual nature of divine punishment*, and is further accompanied by a religious ritual. The importance attached to the litigants' curse *in homicide procedures* is evident by the fact that speakers raise it in their argumentation within the court, which does not happen with the litigants' self-curse *in ordinary trials*.[127] Yet, the speakers' references to it do not come from the homicide cases themselves[128] – although, it should be mentioned, homicide speeches include a number of accusations of perjury against the opponent, which can be seen as reminding the judges of the litigants' self-curse (e.g. Ant. 6.33, 6.48–51). Instead, they mainly play a role in the speaker's arguments in ordinary trial speeches, in which references to *past* homicide trials are inserted (Dem. 23.67–8; [Dem.] 59.10; [Dem.] 47.70, 73).

Regarding their function in the speaker's argumentation, Martin (2009) has shown that the religious aspect of the oath can come to the fore in the course of constructing an accusation of perjury against the opponent;[129] yet, the speaker himself almost never explicitly refers to *his own* self-curse in the *diōmosia*. The

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blessings" (Aeschines 2.87). Scholars (e.g those cited in p. 17 n. 41) have commented upon the conscious effort to clear the dicasts of any lingering responsibilities through the blessings.

126 We know the content of the oath-statement from Ant. 6.16, Lys. 10.11 and [Dem.] 59.10: the prosecutor swore that the defendant "had killed" and the defendant swore that he "had not killed".

127 In ordinary trials, litigants exchanged oaths in the preliminary proceedings, in a process called *antōmosia*; see Pollux 8.55 and cf. S&B 80–1 and Gagarin 2007.

128 The one exception, Antiphon 5.12 (cf. 5.88), may be said to prove the rule, since the *diōmosia* is mentioned precisely because it has *not* been taken, this being a trial held in an ordinary court under the procedure of *endeixis*.

129 Martin 2009, 225–6, 261–4; but see his evaluative remarks on the carefulness with which arguments about the offence of perjury are handled within the court. The same intention to prove that the litigant is a constant perjurer underlies references made to oaths that were either taken or offered by the opponent *outside court*. In this context, self-cursing is reported in oaths taken

sole occasion when we do get a glimpse of the speaker's own conditional self-curse involves a hypothetical scenario that never took place: this is in a private speech attributed to Demosthenes but most likely written by Apollodorus, *Against Euergus and Mnesibulus* ([Dem.] 47.70, 73), a prosecution for false witnessing. The speaker claims in front of the dicasts that he was advised by the *exēgētai* not to bring to court the case of his female ex-servant's murder committed by his adversaries, since he was neither a relative nor the owner and thus he had no legal right to institute such an action. He accepted their advice, because ([Dem.] 47.73):

> To lie to you and to take a solemn oath myself and have my son and wife do so I would not dare to do, although I knew well that I should convict these men. For I do not hate them as much as I love myself.

The last sentence here, implying that nobody who loved himself would take such an oath, transparently makes reference to the divine punishment that awaits a false swearer. But the idea is raised only in the context of a "road not taken", to repudiate the hypothetical possibility of taking an oath that would have disastrous consequences for the litigant himself and his family.

2.4.3 Explicit self-cursing in oath-challenges and witnesses' oaths

A similar use of the explicit self-curse from the speaker's side and in support of his case finds a place quite distinctively in one general application of oaths: that of introducing evidence from a third party. In S&B 87–91 and 101–6, there are extensive studies of oath-challenges and the oaths of witnesses, used, most of the time, in support of the speaker's argument; both processes involved the appearance of an explicit conditional self-curse (Dem. 29.26, 33, 52, 54; Lys. 32.13 for oath-challenges; Dem. 57.22, 53 for oaths made by witnesses). As will be shown, all of these cases concern oath-taking raised as a possibility but not necessarily occurring, and/or contexts of potential perjury avoided by the swearers.

Two speeches against kinsmen on the issue of inheritance include a conditional self-curse that concerns an oath-challenge made by the mother of the litigant.[130] In his speech *Against Aphobus III*, Demosthenes defends Phanus whom Aphobus, the legal guardian of the inheritance of Demosthenes' dead father, has

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voluntarily by the opponent in front of the speaker (Lys. 12.10) or even in public spaces, in front of a wider audience (Dem 18.283, 21.119; [Dem.]. 49.66–7; Aeschines 3.99).

130 Dem. 29.26, 33, 52, 54; Lys. 32.13. See, further, Mirhady 1991; Gagarin 1997; Thür 1996a for the process of oath-challenge.

brought to court on the accusation of false testimony in a previous trial (where Demosthenes himself had sued Aphobus for misappropriation of his property).[131] Before the suit, Aphobus had called upon Demosthenes to surrender his slave Milyas to be examined under torture, but Demosthenes stated that Milyas had been set free. As evidence for this, Demosthenes presents an oath-offer by his mother Cleobule (29.26):

> My mother was willing to take an oath *on the heads of myself and my sister, her only children*, for the sake of whom she lived as a widow, and say, with us beside her, that my father freed that man when he was dying, and that he was regarded in the family as a free man; and no one of you should suppose that she would have wished to swear that on our heads, if she did not know for certain that she would be swearing to the truth.

The same scenario is featured in Lysias' *Against Diogeiton* (Lys. 32.13). The wife of a certain Diodotus is presented as accusing her own father, Diogeiton – brother of Diodotus who is dead at the time of the trial – of misusing the fortune of her children, which had been entrusted to him by Diodotus before he died. She offers to swear an oath in any place her father might name, surrounding herself with her children by Diodotus, and *calling down destruction on herself and the children she has and will come to have* that Diogeiton had received a certain amount of money from Diodotus. In the same way as Cleobule, she adds that she is not so wretched nor does she regard money so highly as to die after committing perjury in the name of her children.[132] In neither of the two cases are we told that the woman finally performed the self-curse.

The prominent place of the self-curse in these cases is surely related to the fact that evidence given under oath constituted the only scenario in which women's testimony could be accepted in court;[133] the self-curse, mentioned by the litigant, provides the gravity needed for the dicasts to take this evidence seriously. The application of these curses shows, at the same time, how the litigant can manipulate their form to encompass the family of the swearer, in circumstances where the family plays a significant role in the proceedings. It is undoubtedly telling that in both cases the speaker raises the possibility of extending the curse to the

131 Dem. 27 and 28.

132 In the same context in Lys. 32.13, Diogeiton is said "not to have feared the gods", an obvious contrast with his daughter's willingness to utter a self-curse.

133 Cf. Just 1989, 33–9; Mirhady 1991, 82; Foxhall 1996, 143–9. In the dispute between the sons of Mantias (Dem. 39 and 40) we hear of an oath taken by a woman, Plangon, to the effect that she will refuse an oath-challenge issued to her (Dem. 40.10–11, cf. 39.2–4). This oath is described as "the most awesome and the greatest" which is probably meant to imply that it involved a strong self-curse.

offspring (i.e. the speaker himself) in disputes where inheritance rights within the same family are at issue. The use of the *exōleia* formula finds a place in a context where destruction of children can even mean transference of the right of inheritance to the other side.

Similarly to the oath-challenge, litigants use explicit self-curses in support of cases when evidence of a different kind is introduced: the testimony of witnesses under oath. S&B 87–100 have shown that witnesses in general were *not* under oath in Athenian trials, with the exception of three scenarios – all of which involve an explicit self-curse: in homicide trials, during which they swore an oath accompanied by sacrifice (Ant. 5.12); in the procedure of *exōmosia*, in which they could *swear out* of their role as witnesses;[134] and lastly, in a single speech by Demosthenes (*Against Euboulides*), where there are no fewer than seven references to oaths by witnesses – the high frequency alone indicates its unique status. Twice during the latter speech the speaker dwells on the religious element of the self-curse (57.20, 53). The case concerns the decision of a deme assembly to remove the speaker Euxitheus from the deme's citizen register. In response Euxitheus brings witnesses to testify to his legitimate citizen birth, of whom he remarks (Dem. 57.53):

> Surely, it would have been possible for them, if I had been illegitimate or a foreigner, to inherit all my property. Do they prefer to get a small payment and put themselves in jeopardy by giving false testimony and to commit perjury rather than to take everything with safety and not *to invoke any curse upon their own heads*? No, this is not the case; but in my opinion being my relatives they are doing what is right helping one of their own.

S&B 88 argued that the frequent references to witnesses' oaths during this trial aimed at balancing the solemnity of the formal oath which was taken when a citizen's entry into the deme was reviewed, to the accompaniment of solemn sacrifices (καθ' ἱερῶν, Dem. 57.26). It would appear that this "balancing" took place more specifically through underlining the power of the witnesses' self-curse – and doing so not only by explicitly articulating it, but also by repeating it (57.20, 53) and, thus, emphasizing the role of divine punishment. In this speech, unlike those previously discussed, the self-curse concerns an oath that is actually taken before the trial. But its specific application in context bears a resemblance to the

134 According to Lyc. *Leocr.* 20, in the oath of *exōmosia* the witness touched a cut piece of a sacrificial animal; this is confirmed by *Ath.Pol.* 55.5 and was most likely accompanied by a self-curse – although this is not explicitly attested in the sources. The issue of "avoiding" or "committing" perjury in relation to this oath does come up quite a lot in the orators: cf. Dem. 19.176, 29.15, 45.59; Isaeus 9.16–9. For the process of *exōmosia* see, further, Carey 1995a; Martin 2008.

previous instances examined: the litigant raises the potential activation of the self-curse only in order to refute it. His witnesses would not have dared to invoke destruction upon themselves by taking an oath and so put their lives in danger, if they were not speaking the truth.[135] The self-curse and avoidance of perjury confirm the veracity of the witnesses' statement.

2.4.4 Litigants' spontaneous self-cursing inside the courtroom

Up until now, all our instances of self-cursing have concerned *reported* formal or volunteered self-curses, mainly occurring in hypothetical scenarios of oath-taking or oath-breaking. The last case examined here involves verbal performances of explicit self-cursing *in the trial itself*. Although oaths were frequently uttered in direct speech within trials,[136] our evidence for *verbalized self-cursing in them* is very scant: there are only two secure cases where a self-curse is pronounced spontaneously by a litigant during the trial. One takes the form of a short self-curse of utter destruction (Dem. 19.172).[137] The other case, though, is unique in the corpus of oratory by depicting an elaborate case of *competitive* self-cursing. At the end of Demosthenes' speech *Against Conon*, Ariston, who is prosecuting Conon for battery (*aikeia*), claims that he has heard from someone that Conon is about to perform an exaggerated conditional self-curse in front of the jury (54.38):[138]

> Regarding the most impudent thing of all that I hear he is about to do, I think that it is better to warn you in advance. For they say that he will bring his children and, placing them by his side, will swear an oath on their heads, imprecating some dread and awful curses of such a nature that a person who heard them and reported them to me was amazed.

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135 The same emphasis on the curse of a witness appears in Aeschines 1.114–15, in reference to an oath which Timarchus took in relation to the disfranchisement of a certain Philotades whom he alleged to be a former slave of his. Fisher 2001 *ad loc.* takes this oath to be the one that members of the deme took at the deme meeting. But according to S&B 88 n. 96, in all probability, it is a reference to Timarchus being asked to act as a witness against the citizenship of the slave, since Timarchus was not of the same deme and thus could not participate in the deme assembly.

136 See S&B 86, with reference (n.89) to Gagarin 2007, 45–6 for the use of these oaths as 'rhetorical' ploys.

137 Demosthenes swears invoking destruction upon himself (ἐξώλης ἀπολοίμην καὶ προώλης) that, if he had not promised to bring back money for ransom to certain prisoners, he would not have gone with Aeschines and others to receive the oaths of peace from Philip of Macedon in 346 BC.

138 The oaths in Dem. 54 are discussed in S&B 86–7 from a different angle regarding their rhetorical manipulation.

The practice of having one's children physically present while one swears by them appears in oath-offers outside court, as we saw above. But here the practice of cursing is squarely located *within the trial itself*, where children were brought into court to raise the sympathy of the jury, a common practice in Athenian law courts.[139] The exact content of the imprecations is not given but Ariston obviously wants his audience to imagine worse and more dramatic formulations than a simple extension of the self-curse to his opponent's offspring, when he describes the surprise of his informer and their "dreadful" and "awful" nature.[140] The same effect is achieved when he provides immediately afterwards an imaginary comparison between one who swears in a "customary way" and Conon's practices of swearing in court by invoking terrible curses with his children present (Dem. 54.40).[141]

It comes as something of a surprise, therefore, that, after this claim about the dreadful and non-customary oath, Ariston himself performs a 'non-customary' spontaneous oath *in front of the dicasts*, one that takes an elaborate form, *with an explicit blessing and self-curse* (Dem. 54.41):

> This oath I was at that time ready to take, and now, to convince you and those who stand around, I swear by all the gods and goddesses for your sake that I have truly suffered at the hands of Conon this wrong for which I am impeaching him, that I was beaten by him and that my lip was cut open so that it had to be sewn up, and that it is because of a great harm that I am prosecuting him. *If I swear truly may I have many blessings, and may I never suffer again such an outrage; but if I am forsworn, may I perish utterly, I and all I possess or may in the future possess.*

In this way Ariston utters his own self-curse as a pre-emptive strike against his opponent:[142] the explicit self-curse is *the speaker's response to an imagined future scenario of oath-taking*. Ariston is playing an elaborate game in an attempt to

139 Carey & Reid 1985, 99–100. As S&B 87 notes, Conon's children are involved more specifically in the actual trial as well, since they took part in Ariston's assault and here Ariston finds the chance to bring the jury's attention to them once more.

140 See Martin 2009, 284–6, for the connection between the oath of Conon and other arguments about Conon's religious acivity used by Ariston in order to undermine Conon's oath.

141 "The man who ... will take only a customary oath, is more to be believed than one who swears by his children or is ready to pass through fire". Bers 2003, 78 n.36 indicates that the phrase "pass through fire" (διὰ τοῦ πυρός) might allude to the ritual of oath-taking which sometimes involved the burning of the animal victims, a fact that would have increased the power of the self-curse.

142 Martin 2009, 258 draws attention to the role of this oath as "anticipating" and "balancing out" the oath of the opponent in this speech.

forestall his opponent's use of self-cursing. Initially he maintains an important distinction: his oath, so he claims, merely repeats the one that he had previously offered to his opponent through the "more regular" process of the oath-challenge. Here, we may detect an effort to make it seem "more customary" than Conon's. Furthermore, in his own act of self-cursing, Ariston makes sure to introduce first *the blessings for himself* (which furthermore bring attention to the injury he suffered by Conon), and *then* the self-curse. The precedence of blessings over curses appears in formal oaths in classical Athens, known to all citizens;[143] it seems to inspire trust and show the speaker's willingness and confidence that the oath will be kept. By these means, Ariston seeks to ingratiate himself with his audience. Only once his positive intention is established does Ariston make his own self-curse, which instead of targeting his family, like Conon's, takes the more general form of targeting everything *that he possesses or may possess*.[144] Ariston's self-curse presents a telling case of how spontaneous oaths could develop improvised and distinctive forms of self-cursing. Its actual position at the close of the speech, just before the dicasts hear the defence speech, confirms the strong belief in the impact that the use of an explicit self-curse could have during the judicial proceedings.

The present section has focused, in particular, on instances of explicit self-cursing in the corpus of oaths in the orators uttered or, more often, imagined as being uttered by the speaker, the judges or those who speak or may speak in support of the plaintiff's case. Explicit self-cursing on these occasions is best accommodated in contexts in which the speaker consciously raises the potential of perjury being committed by any of the above, only in order to deny it, by acknowledging the inevitability of divine punishment. A good number of these cases are found in imaginary or potential scenarios of oath-taking and oath-breaking, embedded as arguments in favour of the speaker's case.[145] On the other hand, actual cases of performing explicit self-cursing within the trial itself are rare, but still existent, nonetheless. In all of these instances, we have seen that explicit self-cursing is subject to rather detailed and sometimes even unique verbal or performative elaboration, in comparison to its customary forms in formal oath taking. Their

143 See p. 00 [15] n.26.

144 Cf. Lys. 32.13 for a similar extension of time in future regarding the punishment: "I offer to swear to the name of my children, both these and those born to me in future". S&B 87 notes that the children are missing in Conon's curse, most likely "because he *has* no children".

145 See Martin 2009, 264 for a similar conclusion about the religious nature of an oath in Demosthenes' private and deliberative speeches, which, as he states, is emphasized mainly in relation to *hypothetical* oath-challenges or the "unprovoked" oath and less in relation to formal procedural oaths.

employment betrays each individual's ability to shape variably the element of the self-curse; and it is a clear proof of the speakers' general familiarity with the concept of the oath as a conditional divine punishment upon the swearer(s).

3 Oaths in traditional myth

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The malleability of Greek myth has often, and quite rightly, been stressed by scholars.[1] It is important to remember, however, that there were certain limits to the possibilities of adaptation. Stesichorus in his *Palinode* and Euripides in his *Helen* may have proposed that it was a phantom created by the gods and not the real Helen who caused the Trojan War, but they could not suggest, for example, that the Trojan War had not taken place. As Fritz Graf has argued, a myth "transcends the text: it is the subject matter, a plot fixed in broad outline and with characters no less fixed, which the individual poet is free to alter only within limits." Moreover, myths "are transmitted from one generation to another, without anyone knowing who created them: that is what is meant by *traditional*".[2] Graf makes an important distinction between traditional myth and text, but as Françoise Létoublon has observed in her discussion of Homer's use of myth, we are faced with "rather an uncomfortable and paradoxical challenge" in studying early Greek myth where we have no direct evidence which predates Homer,[3] a point often valid for later sources also. In identifying traditional myth we are very much limited by the surviving sources, which are invariably textual, especially poetic, or artistic. Nevertheless, in studying the corpus of oaths in Greek literature, there emerges a category of oaths intricately connected with the fabric of traditional myth, insofar as this category of myth is identifiable. For our purposes such oaths, which we can call mythological oaths or aetiological oaths, can be defined as having a clear and unalterable impact on the course of Greek mythology and an explanatory function therein. We can expect that oaths of this sort might be referred to in more than one work and across different genres and media. I will discuss three examples of sworn oaths, and one example of a broken oath, which definitively fix crucial events in Greek mythology. In each case a female figure is central to the circumstances of tendering or breaking the relevant oath, a point to which we shall return at the end.

1 See e.g. the collection of essays in Woodard 2007, who states in his introduction (1) that "[w]hat we call "Greek myth" is no featureless monolith, but multifaceted, multifarious and multivalent, a fluid phenomenon". Other recent discussions of variability and innovation in Greek myth include Rutherford 2011 on Pindar, Alaux 2011 on Athenian drama, and Torrance 2013 on Euripides.

2 Graf 1993, 2.

3 Létoublon 2011, 28.

A particularly important example of an aetiological oath is the oath of Helen's suitors, which precipitates the Trojan War, and interestingly is not explicitly mentioned in Homer (as discussed below). In an attempt to safeguard the outcome of the contest for Helen's hand, Tyndareos prevents the assembled Greek heroes from competing for her until they have sworn an oath to the effect that they will support whoever becomes Helen's husband should someone abduct her from the marital home, and will all march against this hypothetical man and sack his city with force of arms, be he Greek or Asiatic. The oath is sanctified by the clasping of hands, the making of sacrifices, and the pouring of libations.[4] This particular version is found in Euripides' *Iphigeneia at Aulis* (58–65), but the oath appears in the literary tradition as early as the Hesiodic *Catalogue of Women* (fr. 204.78–84), where each of the suitors swears not to attempt to make Helen his wife without Tyndareos' consent, and to attack anyone who takes her unilaterally by force, which has essentially the same impact as the more detailed oath statement of the *IA*. Paris is the one who takes Helen and is attacked as a result.

That the oath of Helen's suitors is mentioned three times in the first 400 lines of the *IA*, twice in the prologue (58–65, 78) and once in the first episode (391–5), is noteworthy.[5] This play contains more references to this oath than any other surviving text. The suitors' oath is described in the prologue in order to contextualize the situation in Aulis, and to explain why the Greeks have gathered there. The oath is, of course, crucial for explaining why all the Greek heroes felt compelled to go to war against Troy, though most had no particular reason to want to help Menelaus retrieve his wife.[6] The simple fact was that each hero who had sworn the oath *was* compelled to go, bound by it, in spite of the length of time that had passed since it was sworn (cf. *IA* 78–9).[7] The issue of necessity is clearly

4 See ch. 6, pp. 145, for further discussion of the sanctifying features of this oath.

5 We deal with the text as a whole and will not enter here into debate over issues of Euripidean authenticity. Kovacs (2003) reviews the evidence and argues (81) that lines 49–105 were part of the play's first performance, and most editors retain 391–5 (Jouan 1983, Gunther 1988, Stockert 1992, Kovacs 2002). Diggle 1994 suggests that 391–5 are probably by Euripides.

6 Cf. Cingano 2005, 124: "the oath provides the seminal motif which accounts for [the] presence [of the suitors at Troy]".

7 Cingano 2005, 124–7, argues that the suitors' oath actually represents "a prolongation of their status as former suitors" (126), a status which brings almost inevitable death to those who compete for, and fail to win, the hand of a princess. Cingano compares the contests for Hippodameia, Atalanta, Marpessa, and Penelope, but his statement (n. 30) that Odysseus and Menelaus are the only suitors to survive the war is incorrect. The Cretan suitor Idomeneus (fr. 204.56ff.), for example, certainly survived the war, though plagued by storms on his return journey; Diomedes, Philoctetes and Teucer (listed among the suitors in [Apoll.] *Bibl.* 3.11.8) survived too, and there are other minor suitors whose fates are unclear.

crucial to the central dilemma that faces Agamemnon in the *IA*, the sacrifice of Iphigeneia. In a play characterized by abrupt changes of mind, first in Agamemnon, then in Menelaus, and finally in Iphigeneia,[8] references to the suitors' oath come exclusively during Agamemnon's changes of mind represented in the opening scenes. Having previously sent a letter home luring his daughter to Aulis on the pretence of marriage to Achilles in order to offer her as a sacrificial victim to Artemis and thus gain fair winds enabling the fleet to sail for Troy, he has now regretted it, and attempts to send a second letter warning his wife and daughter not to come. When this is intercepted by an angry Menelaus, Agamemnon makes some interesting remarks about the suitors' oath when he addresses his brother. He calls those who swore Tyndareos' oath "ill-witted marriage-loving suitors" (*IA* 391–2), telling Menelaus to take these men to war who "are ready with the folly of their minds" (394). Agamemnon then suggests that "divine power is not senseless, but can consider when oaths have been fixed wrongfully and taken under compulsion" (394a-395).

Agamemnon's language emphasizes his dilemma. He simultaneously tries to distance himself from the suitors who swore Tyndareos' oath, as if he was not one of them, but then tries to create an escape clause for himself by suggesting that the gods will not expect someone to keep an oath in certain circumstances, thus implicitly acknowledging that he had sworn the oath. It seems to be true that Agamemnon was not a suitor *per se* but our earliest source for the oath lists him as swearing it as a proxy for his brother, while he was already married to Clytaemestra (Hes. fr. 197.4–5),[9] and Agamemnon's own suggestion that the oath could be invalid demonstrates that he is, in fact, bound by it. In some very rare cases, it seems that the Greeks believed that oaths could be broken without divine consequences (see §11.1), but Agamemnon's argument is weak. He implies that he took the oath under compulsion but does not state this as fact, and the oblique claim is not supported by any evidence. If sacrificing Iphigeneia is the only way for the fleet to set sail for Troy – and this is how it has been presented to Agamemnon – then failing to sacrifice her means not only abandoning the expedition, but also breaking his oath. The oath by which Agamemnon is bound thus helps to

8 On change of mind in this play, see esp. Gibert 1995, 202–54.

9 Agamemnon acting on behalf of his brother is not as strange as it may first appear. Cingano 2005, 135–6, notes that it has a parallel in Melampus courting the daughter of Neleus for his brother Bias, and that Helen's mythic tradition is often associated with pairs of males, the Dioscuri, Theseus and Peirithous, and here the Atreidae. In the *IA* Agamemnon and Menelaus function as an interdependent unit, on which see Torrance 2013, 85.

explain his terrible indecisiveness, a characteristic he bears already in the *Iliad* but which is further exaggerated in the *IA*.[10]

The ultimate sacrifice of Iphigeneia thus reflects, on some level, Agamemnon enabling the fulfillment of his oath, an oath that none of the suitors considers breaking. In Sophocles' *Ajax* (1111–14), Teucer reminds Menelaus that Ajax has not joined the expedition for the sake of Helen nor for Menelaus' own sake but because of the oath he had sworn. Even Odysseus, who tries to wriggle out of his oath, does not break it, and this is one occasion on which Odysseus' tricks fail him, and he proves decidedly less gifted in the skill of "sidestepping" (ch. 10) than his grandfather reputedly was.[11] In the *Cypria* he feigns madness in order to escape his duty to take part in the Trojan War, but his deceit is discovered by Palamedes who puts Telemachus in danger and finds that Odysseus' wits return with great rapidity in order to save his son (*Cypria* Arg. §5 West). So Odysseus is forced to keep his oath and take part in the expedition against Troy, but Odysseus' relationship with the suitors' oath is more complicated than that of the other suitors. Although listed as a suitor in the Hesiodic *Catalogue*, he sent no gifts, anticipating that his wealth would be no match for that of Menelaus (fr. 198.2–9), though apparently failing to foresee that Tyndareos would demand the oath. In the later mythic tradition, Odysseus, having abandoned the idea of courting Helen, is himself presented as suggesting the oath to Tyndareos, to help him manage the suitors, in exchange for Tyndareos' help in wooing Penelope ([Apoll.] *Bibl.* 3.10.9). It is unlikely that Odysseus' role in suggesting the oath was reported in a lacuna of the *Catalogue*,[12] since it is at odds with the early tradition of Odysseus trying to evade his oath in order to be made exempt from the Trojan expedition. If the oath was Odysseus' idea at a time when he was no longer interested in courting Helen, there would be no reason for him to swear the oath at all.

There are two important heroes of the Trojan War, however, who are certainly not bound by the suitors' oath. One is Achilles, who had been too young to be counted among the suitors,[13] and an attempt to thwart his participation in the expedition is made by his father Peleus who concealed him on the island of

10 In his discussion of characterization in the *IA*, Griffin 1990, 140 notes how Agamemnon in the *Iliad* is "at one moment bullying and overconfident but at others passive and despairing", and gives a persuasive analysis of the "change of mind" motif in the play, suggesting that "strict psychological plausibility" is secondary to "pathos, sentiment, and patriotism" (149). See also Gibert 1995, 206–22 and Michelakis 2006, 33–5.

11 Autolycus was well known as a thief and manipulator of oaths (cf. *Odyssey* 19.395–6 and Pl. *Rep.* 334b3).

12 Cingano 2005, 127 suggests this possibility.

13 Hes. fr. 204.87–93, esp. line 89 where he is described as "being still a boy" (παῖδ' ἔτ'ἐόν[τ']).

Scyros (*Cypria* fr. 19 West). The other is Achilles' son Neoptolemus, who joins the Trojan expedition at a later stage. The fact that Achilles and Neoptolemus are *not* bound by the suitors' oath gives them particular powers during the course of the war. The oath does not appear explicitly in Homer, but it possible that Nestor's reference to oaths previously sworn (*Iliad* 2.339–41) is an allusion to the suitors' oath.[14] Certainly, as we have seen, it features in the Hesiodic *Catalogue of Women* and was clearly part of the epic tradition.[15] If there is a latent understanding that Achilles' presence at Troy is not dependent on compulsion, any threat that he will withdraw his forces from the war must be taken extremely seriously by the other leaders since he is essentially at liberty to decide whether or not to leave. When Achilles withdraws from fighting in the *Iliad* after his quarrel with Agamemnon, his absence is sorely felt on the battlefield, but he is still at Troy. When he says that he will leave with his men (*Il.* 9.356–61), both the audience and the three envoys are going to take his threat that much more seriously if he is not bound by oath. Indeed, Agamemnon's insult to Achilles would be a strong incentive for Achilles to depart, if we consider that his presence there can be explained as a favour to the Atreidae (Paus. 3.24.11). Aristotle, in his *Rhetoric* (1396b17), finds it worthy of particular praise that Achilles took part in the Trojan War although he was very young and was not bound by oath. This is listed next to Achilles' achievements in slaying Hector, the bravest of the Trojans, and Cycnus, who prevented all the Greeks from disembarking, as well as Achilles' invulnerability.[16] The fact that Achilles fought at Troy though he was not bound by oath was clearly an important element in defining his persona.

That Achilles' son Neoptolemus is not bound by the oath of Helen's suitors is a significant issue in Sophocles' *Philoctetes*, a play in which we are constantly being reminded that Neoptolemus is the son of Achilles.[17] After the Greeks have been fighting at Troy for ten years and have suffered many losses, including the death of Achilles, they are told by the Trojan seer Helenus, whom Odysseus captures

14 M.L.West 2011, 109, and see §5.2 and ch. 6 for further discussion.

15 Cf. Gomme 1945 on Thuc. 1.9.1 and West 2011, 42, 87, 109.

16 This comes in a discussion of praise where it is argued that figures should be praised in respect of their specific achievements or actions, and not in respect of issues which could be deemed generic or apply to more than one person. For details of the Cycnus episode, see Ovid, *Met.* 12.64–168, cf. Pindar *Ol.* 2.81–3.

17 Neoptolemus is referred to as his father's son at 4, 50, 57, 241, 260, 364, 582, 940, 1066, 1220–1, 1237, 1298, 1312, 1433. He is so like his father that the Greeks are said to have sworn on oath that they are seeing the ghost of his dead father Achilles (357–8), and although this is part of a narrative by Neoptolemus which includes many falsehoods, there is no (other) reason not to take *this* statement as true. For further discussion of oaths in Sophocles' *Philoctetes* see §5.2.

by a ruse, that they will only take Troy with the help of Philoctetes and his bow, a sacred gift from Heracles. Originally a member of the Greek fleet, Philoctetes had been abandoned on the island of Lemnos en route after he had been bitten by a snake. The bite had become infected giving off a putrid odour and causing him to utter great cries of pain, which the army decided they could not endure. In *Philoctetes* Odysseus convinces a reluctant Neoptolemus to persuade Philoctetes that he has abandoned Troy, having fallen out with the Achaeans over the arms of Achilles, and is on his way home (*Phil.* 54–64). In this way, Philoctetes will be persuaded to board the ship, thinking it bound for home, and will thus be trapped on board with his bow to be brought to Troy. The fact that Neoptolemus was not part of the original expedition which had abandoned Philoctetes means that he will not be the subject of Philoctetes' anger and resentment, but it is also crucial that Neoptolemus is not bound by the suitors' oath because it means that he can plausibly maintain that he really is homeward bound, something which Odysseus and the other suitors cannot do. Odysseus uses this very argument (*Phil.* 72) to explain that only Neoptolemus can credibly persuade Philoctetes that he has abandoned the Trojan expedition. Thucydides (1.9.1) doubts the importance of the oath of Helen's suitors in assembling the expedition against Troy, attributing the reason instead to Agamemnon's superior power over the other princes at the time, but Thucydides tends to downplay the importance of religious factors throughout his work,[18] and our other sources show overwhelmingly that the suitors' oath had an important place in traditional Greek myth.

Another mythological hero forced by an oath, a blind oath this time, to embark on a military campaign is the Argive seer Amphiaraus. Married to the Argive king's sister, Eriphyle, Amphiaraus swears an oath to the king, Adrastus, to the effect that any future differences between them will be arbitrated by Eriphyle. When Adrastus backs the military assault of his new son-in-law, the exiled Theban prince Polyneices, against Thebes, Amphiaraus refuses to take part in the expedition, having the divine foresight which tells him it is doomed to failure. Desperate for the campaign to go ahead, Polyneices is said to have bribed Eriphyle with a Theban heirloom of divine provenance, the necklace of Harmonia, wife of Thebes' founder Cadmus, and daughter of Aphrodite and Ares. In return for the necklace Eriphyle calls on Amphiaraus to keep his oath and acquiesce to her wish that he should join the expedition generally known as that of the Seven against Thebes. He fights and dies as do all the attacking chiefs apart from Adrastus, although in some versions Amphiaraus is swallowed alive into a chasm

18 See Hornblower 2011, 25–53.

in the earth.[19] The oath itself is only explicitly referred to in one fourth-century source, by the mythographer Asclepiades (*FGrH* 12 F 29), but Amphiaraus' strong reluctance to join the campaign is well attested in the earlier tradition. He is an unwilling participant in an expedition that he considers evil in Aeschylus' *Seven against Thebes* (573, 575), and the story of Polyneices bribing Eriphyle – which makes little sense without the oath, since it implies that she has the power to compel her husband somehow to join the expedition – features in the *Odyssey* (15.247) and was popular in fifth-century vase paintings.[20] Moreover Pindar's *Nemean* 9 describes Adrastus giving Eriphyle as a wife to Amphiaraus "as an oath pledge" (9.16: ὅρκιον ὡς ὅτε πιστόν), and since we know that the Greek marriage ceremony did *not* include an oath it is reasonable to see an allusion here to the oath sworn by Amphiaraus to Adrastus which Eriphyle had the power to enforce. Louis Gernet questioned how Amphiaraus came to be compelled to join the expedition of the Seven, stating that "[o]n this point the legend's tradition is unclear and complicated" and that "[t]he obligation remains unexplained".[21] The oath recorded in Asclepiades, however, of whose existence Gernet seems unaware, resolves the question entirely.

A third oath of significance for traditional myth is the oath through which Hera tricks Zeus into ensuring Eurystheus' power over Heracles, thus causing the labours of Heracles. As it is related in the *Iliad* (19.107–13) Hera requests that Zeus should confirm on oath his statement that whatever child of his blood was born on that day would be lord over his neighbours. Zeus duly swears the oath in anticipation of the birth of Heracles, but Hera delays Heracles' birth until after that of Eurystheus, leading to Eurystheus' dominance over Heracles against Zeus' will.[22]

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19 Amphiaraus' death is mentioned in Homer (*Od.* 15.247) and is implicit in Aeschylus' *Seven against Thebes* (792–9, cf. 615–19). The alternative tradition of Amphiaraus' disappearance into the earth features in Pindar (*Olymp.* 6.13–14, *Nem.* 9.24–7) and in Euripides' *Suppliant Women* (925–7).

20 See *LIMC* III.2 *s.v.* Eriphyle I, plates 2–6, 8, 9, 11, 16, with *LIMC* III.1, 844–5.

21 Gernet 1981, 84.

22 Later tradition presents Zeus (Jove) fulfilling a blind oath by Styx to Dionysus' mother Semele, after the interference of Juno, when Semele requests that he show himself to her (Ovid, *Met.* 3.251–313). This results in Semele's death and Zeus' rescue of the unborn Dionysus whom he places in his thigh until the time is right for his birth. Earlier sources neither report this oath nor exclude it but on balance there is too little support for this as a mythological oath, particularly since in Ovid the oath is not requested by either Juno or Semele but is volunteered by Jove (*Met.* 3.286–9). This is not a case of Zeus being tricked by an oath, as we saw with the oath sworn by Zeus to Hera, and it may well have been a straightforward request with which Zeus readily complied in the majority of versions, unaware of the impact it would have. Even in Ovid, Juno does not anticipate that the tendering of an oath will be necessary for Jove to comply.

Aristotle discusses this passage and suggests that it is reasonable for Hera to ask for an oath because she is afraid that things will not go as she wishes (Arist. fr. 387 Gigon). Zeus is enraged by the deception. He hurls the goddess Delusion (*Atē*) out of Olympus, swearing a second strong oath that Delusion should never again return (*Il.* 19.125–31). Interestingly, this is the only place in the entire corpus of our archaic and classical sources in which Zeus is presented as swearing oaths (see §7.3 for further discussion of oaths sworn by gods). It is fitting then that the main oath sworn by Zeus[23] has a significant impact on the course of traditional myth since it orchestrates the context for, and explains the necessity of, the labours of Heracles, a mythological sequence which helped to create a panhellenic hero and which could be mined for mythical exempla or used for didactic purposes.[24]

We find then, that, essentially, there are only three oaths of the mythological or aetiological type which appear in our sources from the archaic and classical periods, as having been sworn and fulfilled: the oath of Helen's suitors, the oath of Amphiaraus, and the oath of Zeus to Hera. But there is another oath which may be classed as aetiological, and is sworn but *broken*, and it is the breaking of the oath, this time, which can be seen as having an important impact on the course of Greek mythical history. This is the treaty between the Greeks and Trojans described in detail in *Iliad* 3.245–301. The truce is proposed to the Greeks by Hector, at Paris' suggestion (cf. 3.73–5), and both armies swear, in an elaborate oath ceremony, that they will stop fighting, and that Menelaus and Paris will engage in single combat over Helen and her possessions in order to resolve the war. However, the treaty is subsequently broken by the Trojan ally Pandarus under the influence of Athene. The *Iliad* is our earliest surviving source which refers to this treaty and the impact of it being broken, and all later references can be assumed to take the *Iliad* as their source, but there are hints in the structure of the *Iliad* that the treaty described in Book 3 and broken in Book 4 belongs to an older tradition within the Trojan War saga. The *Iliad* is set at a time when the Greeks have been at war with Troy for nine years, yet the proposal of single combat to resolve the war is believed by many scholars to belong more logically to a time at the beginning of the war. This, combined with the *teichoskopia* in Book 3 where Priam strangely requests (after nine years of war) that Helen identify the champion Greek warriors in the battlefield, suggests that events in Book 3 properly belong to an earlier period of the Trojan cycle and have been imported into

23 The second oath expressed in a rage is made as a result of the first.

24 See Graf 1993, 64 on the myths of Heracles as exempla, and see I.C. Rutherford 2011, 110, 121–2 on Pindar's use of the labours of Heracles.

the *Iliad*'s narrative from earlier epic sources.[25] A further point in support of this is the lack of continuity between books 2 and 3. In Book 2, Agamemnon had been promised (falsely) an immediate victory and might have been expected to reject the proposal for a truce which he accepts in Book 3.

The breaking of this oath troubled the philosophers in particular, especially the way in which divine intervention is responsible for the breach of contract. The *Iliad* presents a whole divine conspiracy to contrive the breaking of the truce by the Trojans. At the opening of Book 4, Hera petitions Zeus who eventually sends Athene to effect Hera's wishes and cause a breach of the truce. In Plato's *Republic* (379e), the fact that the violation is presented as being brought about by the gods makes the story an unacceptable subject for the citizens of the ideal state. Aristotle discusses two different issues concerning the breach of the truce at Troy in his *Homeric Problems*, both to do with the problem of perjury. At fr. 372 (Gigon) Aristotle splits hairs over whether the Trojans perjured themselves or simply cursed themselves. He argues for the latter, based on *Il.* 3.298–301, where the curse for perjury is expressed on "whichever group first does harm to the oaths" (3.299: ὁππότεροι πρότεροι ὑπὲρ ὅρκια πημήνειαν). So, Aristotle argues, the Trojans did not commit perjury but committed the crime of *doing harm* to their oaths, thus bringing a curse upon themselves. Hence, he argues, Hera tries to ensure that harm comes to them from their own curse, for it is after they have prayed that Hera suggests the violation of the truce (*Iliad* 4.64–72). Aristotle's assertion that doing harm to one's oath is not the same thing as perjuring oneself is a distinction that does not really hold water. If the Trojans have acted contrary to their oaths, then they have committed perjury, and there is no way around this. Agamemnon certainly treats the breach as perjury, stating that the Trojans have "trampled on their oaths" (*Il.* 4.157).[26] He rouses the Argives back into battle by reminding them that the Trojans have broken their oaths, and listing again the consequences for the oath-breakers: vultures will feed on Trojan flesh, and their wives and children (at least daughters, cf. *Il.* 6.57–60) will be shipped to Greece (*Il.* 4.237–9). Idomeneus also comments on the fact that the Trojans have broken their oaths (*Il.* 4.269–70). Even the Trojan Antenor urges the Trojans to give Helen back to the Greeks and end the war because the Trojans are fighting in contempt of their oath (*Il.* 7.351–2). In fact, Aristotle himself, later in the same work (fr. 375 Gigon), reveals

25 See e.g. Mueller (1984) 66, Edmunds (1987) 188, Silk (1987) 41–2, M.L. West (2011) 59, 61, 127–8, 137–8.

26 Similar expressions describing the trampling of oaths occur in Hipponax fr.115.15, Alcaeus fr. 129.22–3, and *trag. adesp*. 188b. For a detailed discussion of the Alcaeus fragment see Bachvarova 2007.

the problem with his own distinction when he returns to this sworn truce and *does* treat its breach as perjury this time, though importantly, he confines his use of the term to Pandarus. Here the question is: why does Athene influence Pandarus to break the truce rather than speak directly to one of the Trojans (Pandarus is technically one of the Trojan allies)? The answer given is that Pandarus was born a perjurer because he belongs to a people who are still perjurers (Dardanians). In this way, Aristotle attempts to clear the Trojans of the charge of being oath-breakers, since the oath was technically broken by a non-Trojan.

Philosophical concerns about the breach of this truce are significant for strengthening our understanding of the solemnity of an oath. The breaking of an oath is still regarded by the philosophers as a serious crime, which is why Aristotle is at such pains to clear the Trojans of the taint of perjury. But there is also a much deeper philosophical issue behind the unease over this truce and its breach. This is the disturbing fact that the breach of a truce sworn in good faith by mortals invoking the protection of Zeus and other gods can be caused by the very same divine forces who should be protecting the truce. This is clearly such an abhorrent notion of divinity to philosophers that Plato can dismiss it with little discussion, while Aristotle attempts to rationalize and sanitize this extraordinary event, which leads to such serious devastation.[27]

There are quite a number of cases (some discussed elsewhere in this volume)[28] in which an oath appears in *some* versions of a myth, but the scarcity of cases in which an oath is fundamental to a mythological tradition confirms the intrinsic malleability of that tradition, while at the same time highlighting several fixed aspects of its mythological framework. Moreover, the oaths discussed here share some significant features. All function aetiologically as devices of narrative logic which explain how and why mythological characters engage in actions which are not in their best interests. The majority of the Greek leaders are compelled to remain fighting in Troy in spite of their heavy losses over ten years because they are bound by the oath of Helen's suitors. The possible resolution of the war through a sworn truce and the single combat between Paris and Menelaus is ruined, not only by Aphrodite saving Paris from death, but more importantly by the minor ally who is influenced to break the truce. The enforcement of an oath compels Amphiaraus to go on a military expedition which he knows is doomed, and causes Zeus to be bound to accept his son's enslavement to Eurystheus. Each of these mythological oaths serves a didactic function. In spite of being placed in difficult positions, not one of Helen's suitors, not Amphiaraus,

27 On divine and human responses to perjury, see further ch. 12.
28 Notably in chapters 2, 4, 8, 11 and 12.

not even Zeus, dares to break his oath, while the whole of Troy suffers the punishment for one man's breach of a collective oath – one person's actions devastating the entire community, a model which explains the sentiment expressed at the end of Euripides' *Electra* (1355) where Castor warns against sailing with perjurers. There is very rarely any consideration for extenuating circumstances in committing perjury (see §11.1), and as we shall see (§10.2) even contemplation of perjury could be treated as perjury itself. Oaths in traditional myth thus illustrate the correct code of behaviour in relation to oaths and the consequences for perjury.

Finally, we can observe that female figures are central to each of the mythological oaths we have discussed. The danger of Helen's beauty and desirability is confirmed by the number of suitors who swear the oath and are subsequently compelled by it to take part in the expedition against Troy where the eventual victory of the Greeks comes only at an extreme human cost.[29] Eriphyle too can be viewed as one of the many female destroyers of men in Greek myth through her part in forcing the expedition against Thebes.[30] Moreover, her acceptance of the necklace of Harmonia links her role to the category of mythical women associated with a fatal gift.[31] Hera's actions in exacting an oath from Zeus conform to the paradigm of the troublesome jealous or vengeful wife causing problems for her unfaithful husband,[32] while her ability to influence Zeus to send Athene in order to cause the Trojans to break the sworn truce represents the typical female gift of persuasion.[33] Although all the oaths in question are sworn by males, each aetiological oath includes a vital element of female influence which explains how

29 Helen is blamed for the numerous deaths at Troy in Semonides fr. 7.115–17 and in Aesch. *Ag.* 687–90. On the dangers of female beauty, seductiveness, and sexuality articulated in Greek myth through the paradigm of Pandora see Vernant 1980, 183–201 (with Csapo 2005, 254–63) and Zeitlin 1996, 53–86.

30 A list of women who feature in myth as destroyers of men is given by Gould 2001, 149–50. Gernet 1981, 83 notes that the necklace of Harmonia "brings about men's deaths".

31 Gernet 1981, 83 describes the necklace as "the most representative example of the precious object's destructive force."

32 Such wives often feature in Greek tragedy. Clytaemestra in Aeschylus' *Agamemnon* and Medea in Euripides' *Medea* are prominent examples. Even Deianeira's misguided actions in Sophocles' *Women of Trachis*, when she attempts to rekindle Heracles' desire for her with a love potion which turns out to be deadly, are directly linked to Heracles' affair with a younger woman. See Hall (1997) 103–10 for an overview of women in tragedy, and Foley (2001) for a more detailed treatment. On Hera's characteristics as a female goddess, see also S. Blundell 1995, 32–5, Lefkowitz 2007, 14–15, and Doherty 2001, 156, who notes that the role of the "wicked stepmother" among the goddesses is usually played by Hera; cf. also n.21 above.

33 On the association of women with persuasive powers in Greek literature, see e.g. Zeitlin 1996, 136–43, and Foley 2001, 272–99.

the oath came to be sworn or to be broken. In the context of mythological oaths, as elsewhere in Greek myth, female figures are imagined as being both dangerous to men and indispensable to their world.[34]

34 Cf. e.g. Vernant 1980, 201 "no Man without Pandora", Zeitlin 1996, 85 on the "double problem of the origin of woman and woman as the origin", and Gould 2001, 149 on the representation of women in mythology as signifying men's "obsessive fear and revulsion, on the one hand, and on the other, an implication of total dependence."

4 Friendship and enmity, trust and suspicion

4.1 Oaths between warriors in epic and tragedy

L. A. Kozak

The martial sphere often conjures up extreme models of trust relationships: military comrades have colloquial parallels in family, such as the "band of brothers"; military enemies are often understood in equally intense terms ("you're either with us or you're against us"). Yet the reality, even the literary reality, presents us with a different picture, where there is a broad spectrum of trust relationships that spans the poles between "friends" and "enemies". Oaths serve as critical focal points between these two poles. Oaths create the initial terms of military alliance, and ideally render further oaths between military allies redundant. When bonds of alliance are strained, or even broken, then oaths serve to re-establish lost trust. Oaths can also compensate for other issues within an alliance, and can offset differences in status or community between allies. Between "enemies", oaths serve to establish trust, usually temporarily, where there is none: this allows for the retrieval of corpses, for individual combats, and any other event that requires a temporary truce. This means that oaths between enemies, in establishing trust between them, make them friends, at least in a limited sense. At the same time, an oath between friends suggests that there was a lack of trust between them before, so that in a sense they were enemies. The archaic and classical Greek texts that survive portray an amazingly fluid spectrum of war relationships, and oaths serve a crucial role (both by their presence and by their absence) in determining the status of any relationship along that spectrum.

Oaths that create military alliances are actually fairly rare in epic and tragedy, perhaps because these genres tell stories where the alliances depicted have already been established in traditional myth. Aeschylus' *Seven against Thebes* provides us with our first example of an alliance within a play, with the description of the oath that binds the eponymous seven men against Thebes, as the men swear by Ares and Enyo and by battle-fear (Phobos), slaughtering a bull over a shield (*Seven* 42–49). This oath is nearly parodied in Aristophanes' *Lysistrata*, where the women, in forming their alliance of sexual abstinence against the men, suggest taking their oath on a shield (*Lys*. 185–90); they swear by Peitho and the Cup of Amity, and eventually, Zeus, with wine instead of blood (191–5). Euripides' *Suppliant Women* also focuses on an oath-based alliance, this one between Argos and Athens, represented by Adrastus and Theseus respectively; here they slay three sheep over a tripod, engrave the tripod with the oath and give it to Delphi, while they bury the sacrificial knife in the ground (*Supp*. 1187–1232).

The previous chapter has discussed what stands as perhaps the most famous oath of literary alliance, the Oath of Tyndareos, which bound the suitors of Helen together against anyone who might take her, so binding the Achaeans against Paris and Troy.[1] The *Iliad* itself makes only the vaguest of mentions of oaths taken by the Achaeans, and I suspect that these might refer to what were likely a series of oaths that took place between the oath of Tyndareos and the events of the *Iliad*: first Odysseus mentions a promise (*huposkhesis*) taken as the Achaeans left Argos to come to Troy (2.286),[2] then Nestor is even more obscure when he mentions the agreements (*sunthesiai*) and oaths (*horkia*) that they have taken, with unmixed wine and right hand pledges (2.339–41).[3] The vagaries of these references suggest that tradition had established the Achaeans at Troy as bound together by oaths of some kind, even when the oath is not specified. These oaths hold the military alliance together throughout the campaign.

Oaths between individuals who are already allied are more common in epic and tragedy than those that establish military alliances. This is probably due to the inherent character drama that arises in conflict between individuals. When conflict arises and erodes an individual trust relationship that a military oath-alliance should firmly bind, then only an oath can bring the two parties back to where they need to be. There are several examples of this type of trust-cycle within both epic and tragedy, where oaths and their absences play significant roles in understanding where a relationship stands. The most notable in epic is the conflict between Achilles and Agamemnon that is so central to the plot of the *Iliad*. It is a good relationship to examine because it comes from a very early literary source, yet still provides us with a complex oath-relationship between the two Achaean warriors. Achilles did not swear the Oath of Tyndareos, and therefore

1 Direct references to the Oath of Tyndareos occur in Sophocles' *Ajax* (1113) and *Philoctetes* (72), with the most occurring in Euripides' *Iphigeneia in Aulis* (58–65, 78, 391, 395).

2 See §6.3. The Oath Database (remarks on oath #314) suggests that Odysseus' mention of a promise here is "retrospectively upgraded to an oath for rhetorical purposes" in Nestor's speech at 2.284–8, in an early example of the "Sophoclean Oath" (see §5.2). I believe that Odysseus' reference to this promise is actually to oaths taken by the army; the only other time in Homer that the formula ὑπόσχεσιν ἥν περ ὑπέστης is used is at *Od*. 10.483, where Odysseus specifically refers to the oath that Circe made to him (also referenced at 10.299–301, 343–6, and 381).

3 Fletcher 2012, 22 suggests that both these references are actually to the oaths at Aulis, rather than the oath of Tyndareos, and says (*ibid*. n. 29) that the "traditional oath of the suitors to Tyndareos is not mentioned in Homer". See §6.3, especially p. 145–6 with n. 59. As Torrance suggests, "Nestor's mention of "libations of unmixed wine" (*Il*. 2.341) suggests a formal oath"; I am not so certain, however, that "it seems most likely that he is alluding to the oath of Helen's suitors".

has no sworn obligation to Agamemnon, or to fight the Trojans.[4] Instead, Achilles claims to Agamemnon that "for you, O shameless one, and for your pleasure, did we follow you to Troy, defending the honour of you, the dog-eyed, and Menelaus" (1.158–60). So even while there was no oath between them, Achilles is still deeply offended by Agamemnon's taking his prize Briseis, because this action breaks some unsworn understanding between the two men that exists as a part of a larger cultural idea of reciprocity.

While the initial alliance between the two men feels as though it was sworn while it was not, the reparative oath between them that comes later in the epic feels superfluous. Agamemnon first offers an oath (through Odysseus) in Book 9 (see 9.132–4, 274–6), and Achilles finally accepts the oath in Book 19 (after the pleading of Odysseus in public assembly) (19.175–275). The oath does not guarantee a future truce between the two men, but does make amends for a past action, as Odysseus asks Agamemnon to swear that he has not slept with Briseis (19.175–6). This oath before the assembly publicly heals the breach between the two men and reaffirms their mutual commitment to the war, despite their disparate reasons for wanting the oath: Achilles' eagerness to rejoin the fighting is motivated solely by vengeance for the death of Patroclus, rather than any need to reconcile with Agamemnon, while Agamemnon needs Achilles back in the fight in order to win. So the most famous example of an individual alliance broken and re-forged shows that while oaths are significant to the relationship, it is not entirely clear that they are essential.

Sophocles' *Philoctetes* portrays a similar cycle of trust within a broken individual military alliance as it follows the relationship between Philoctetes and Odysseus. Neoptolemus, under the orders of Odysseus, arrives on the island of Lemnos where the diseased Philoctetes has been marooned. His orders are to get his bow and bring it back to Troy, as this is the only way the Achaeans can defeat the Trojans. When Philoctetes hears that Neoptolemus is a Greek, he is immediately friendly with him, and assumes that they are allies (he calls Neoptolemus *philtatos* at 234, 237, 242). This relationship is clearly established as Philoctetes does not ask for an oath from Neoptolemus at line 811, but takes a hand-pledge instead (820), trusting Neoptolemus will take him home without an oath.[5] But when he learns the truth from Neoptolemus about the young man's mission, Philoctetes accuses him of breaking just such an oath at line 942. While

4 Cf. Soph. *Aj.* 1232–4, where Teucer claims that Aias never swore to Menelaus, but came to Troy as his own commander. For more on this "Sophoclean oath", see §5.2.

5 For discussions of this unsworn oath, see Avery 1965, 281, 288; Belfiore 1994, 123; Fletcher 2012, 93–5; Flory 1978, 69; Hamilton 1975, 134 n.14; Scodel 2011, 15–16; Segal 1977, 145–7.

Sophocles frequently uses oath-language ambiguously (see §5.2), it seems logical here that, upon learning he has been betrayed by what he thought was a friend, Philoctetes would regret the unsworn trust he had placed in Neoptolemus, and re-imagine the trust that he had put in the young man as a sworn oath. Regardless of how Philoctetes sees the trust relationship between himself and Neoptolemus as having been forged, it has clearly been broken at this point. When Neoptolemus changes his mind and decides to help Philoctetes, Philoctetes does not trust him, and Neoptolemus must swear to him that he is not tricking him again (1288f), so re-establishing the initial trust between them.

Euripides' *Iphigeneia in Aulis* also provides us with an oath that restores a relationship between allied warriors. Where Menelaus had said that Agamemnon should sacrifice his daughter so that the fleet might sail, he changes his mind, and finally agrees with Agamemnon that they should not kill her. Here he swears an oath to Agamemnon by Pelops and by Atreus to reassure him (473–6): this oath restores trust between the two men which had been broken, even while it can't prevent the death of Iphigeneia (506–12), or over-rule the oath of Tyndareos that binds them to carry on to Troy.

Other examples from the *Iliad* of oaths between allies demonstrate the versatility of the oath in restoring friendships or re-establishing trust. The funeral games of Book 23 provide an example similar to that between Achilles and Agamemnon, but in microcosm, where Menelaus complains against Antilochus during the games with an oath-request – that Antilochus should swear that he did not cheat in the chariot race (23.581–5; see S&B 57–9). Antilochus did cheat, and so refuses the oath, apologizes, and offers recompense. Here an oath is used indirectly to restore faith between two parties.

The last example in this category of re-establishing an alliance is also from the *Iliad*, and is often seen as an oath that takes place between enemies. When Glaucus, a Lycian (one of the Trojans' allies), and Diomedes, an Achaean, discover on the battle-field as they are about to fight that they are actually ancestral guest-friends, they call an individual truce, swap armour, and clasp hands to confirm their alliance. Since they are guest-friends, the relationship between the two men is actually pre-existing, and only needs to be reaffirmed upon its discovery here on the battlefield. Their individual truce acts as a reminder of a permanent relationship, and needs only to be expressed as a pledge here, rather than a full oath.[6]

6 Compare this to the pledge, rather than oath, between Neoptolemus and Philoctetes mentioned on p. 97–8. Diomedes and Glaucus do not swear an oath here, contrary to Fletcher 2012, 76.

Oaths can also serve to create trust or buttress a relationship between allies that is under strain due to a difference in status. An example of this is the oath that Calchas asks for from Achilles (and which Achilles gives) in the *Iliad* (see further §8.1). Calchas is afraid that he might anger Agamemnon with his divination (that Apollo is angry at the Achaeans because Agamemnon has stolen Chryseis, the daughter of his priest), and he asks Achilles to protect him, to which Achilles agrees (1.76–91). This shows that an oath is needed between two men of different status in order to assure their cooperation, particularly against a man of even higher status.

Another example from the *Iliad* that shows an oath bridging a status gap between two allies is that which takes place in Book 10 between Dolon and Hector. When Hector promises the chariot and horses of Achilles to whoever successfully spies on the Achaeans for him, Dolon volunteers and asks for an oath to back up the promise (10.321–33). So while Dolon, a man of lower status (an ugly son of a herald), might not be able to force Hector to give up the goods if he does succeed in his mission, the oath confirms the trust between them and strengthens the military hierarchy.

This kind of status oath, which maintains the military hierarchy, is reversed in the *Odyssey*, when Odysseus must obtain an oath from his own crew that they will not eat any of the livestock on the island of the Sun (12.298–307). This is the only oath in Homer where a commander must ask for an oath from one of his subordinates. The natural problem of being a leader on a ship is that one is always left open to mutiny, geographically separated from normal societal conventions or any other authority that might intervene, and outnumbered by the crew. Odysseus' language confirms this: "Eurylochus, you force me, since I am only one man" (12.297) More than the simple numerical truths of life on board a ship, his men have already shown themselves to be untrustworthy when they released the winds of Aeolus (10.34–49), and there has been a previous breach of trust between Eurylochus and Odysseus over Odysseus' actions in relation to Circe (10.429–41). In the Odyssey, Odysseus uses oaths to try to maintain his power over his crew, and maintain the military hierarchy, but he fails (12.339–73, cf. 1.7–8).

These issues of status seem to become slightly different in Sophocles' *Philoctetes*, perhaps because of its fifth-century Athenian context. The pseudo-merchant describes how Odysseus and Diomedes are "oathbound" (*diōmotoi*, 593) to capture Philoctetes by either force or persuasion, and "all the Achaeans" heard him (595).[7] While this oath is a fiction invented by the "merchant" to help

7 Philoctetes himself refers to this oath a short time later, subtly changing it to say only that Odysseus swore to persuade him (623).

Odysseus' cause, it stands out in our consideration of oaths and status in military hierarchy. The Philoctetes frequently has its characters beholden to "the whole army": the whole army is described as an active agent of persuasion and force by both Philoctetes and Odysseus in the final exchanges of the play (1225, 1243, 1250, 1258, 1294). So while this is a fictional oath, it reflects the strikingly democratic military hierarchy that the world of the play establishes, where the "whole army" tops the hierarchy even above heroes like Odysseus.

So oaths not only create alliances, but reinforce those alliances, particularly between individuals who should be allied but who come into conflict. Oaths can also overcome differences in status between allies, and can strengthen the military order within an allied force.

Oaths between enemies are quite different, because they temporarily create trust where there previously was none. In this function, the power of oaths is necessarily limited. The most common use of oaths between enemies is when temporary truces are brokered; these truces usually allow for the retrieval of corpses or for a single combat to take place. The *Iliad* provides us with examples of each of these types of oaths. The long oath of Book 3, proposed by Paris to Hector at 3.73–5, then by Hector to the Achaeans at 3.94 and sworn by Agamemnon at 3.267–94, is meant to ensure that there will be peace between the Trojans and the Achaeans, and that Helen will be awarded to whichever of Paris and Menelaus wins in single combat. In Book 7, Agamemnon swears a truce to Priam through the herald Idaeus for the retrieval of corpses (7.408–13). Euripides' *Phoenician Women* also gives us an example of an oath being sworn for single combat, where a messenger tells us that Eteocles offered to take on Polyneices alone, and peace was sworn between the Argives and the Thebans (1223–41). There is another treaty at the beginning of the play, which a servant mentions and which probably refers to a temporary truce for the embassy between Polyneices and Eteocles to take place (*spondas*, 97). In all these cases, oaths establish a temporary peace that can be trusted between enemies. The only seemingly permanent sworn peace is made through the oath that closes the *Odyssey*, brokered by Athene at the behest of Zeus (24.482–6; 24.546–8). Zeus says to "let Odysseus be *basileus* always" (483) and that they will make the families of the suitors forget all the violence, so that "loving each other,/as before, let there be wealth and peace aplenty" (485f.)

While oaths between enemies can create trust, the absence of oaths between enemies can be just as significant, and can signal either a mutual understanding where there perhaps shouldn't be one, or an absence of trust which is simply so total that no oath can fill the space or heal the breach. The latter is true in two specific instances in the *Iliad*. The first is between Menelaus and Paris, where in the oath that we have already seen in *Iliad* 3, Menelaus refuses to take an oath with Paris and demands that Priam come onto the battlefield to take it instead (3.105f.).

Menelaus declares that the sons of Priam are *apistoi*, and their untrustworthiness is apparently too great to even be redeemed by oath. This great distrust makes sense, of course, if we think of how brutally Paris had betrayed the trust of Menelaus with his theft of Helen. The other instance where hatred is too great to be bridged by an oath is that between Hector and Achilles. In Book 22, Hector makes an oath-proposal to Achilles to give his body proper funeral rites once he has fallen (22.254–9), and Achilles vehemently turns him down (261–72), famously saying that "there can be no trusted oaths between lions and men" (262).[8]

The absence of oaths between enemies, however, does not always mean a rejection of a relationship, or the impossibility of trust. The first example that the *Iliad* provides is the single-combat scene in Book 7. Here Hector proposes single combat, and swears that whoever of the combatants should win should return the body of the loser to his people for proper burial rites (7.76–91). While the combat does take place eventually, with Ajax standing as Hector's opponent, the oath is never taken by any of the Achaeans. This means that single combat takes place during an unsworn temporary truce, under unsworn terms: Hector simply trusts that his opponent will do as he has sworn he himself will do, and return his corpse should he fall, in what it seems is largely an act of faith. The second example from the *Iliad* is the unsworn truce that Priam and Achilles agree to in Book 24 for the sake of Hector's funeral (24.656–72). This absent oath serves to redeem Hector's oath-proposal that Achilles had so vehemently rejected, not only in its substance, but in its spirit. Where Achilles refused to allow for Hector's body to be returned to his people in Book 22, here he not only gives the body back, but allows a full funeral among the Trojan people. Where no oaths were possible there because his hatred was too great for Hector, here no oaths are necessary, because his empathy is so great for Priam.

So we can see that the absence of oaths lies at both extremes of the spectrum of military trust; at one end where no trust is possible, at the other where friendship is implicit, and oaths serve to establish, or re-establish, every degree of trust, and every corresponding relationship, in between.

8 For more on this oath, see §8.1.

4.2 Oaths in business

A.H. Sommerstein

Business, in its broadest sense – transactions affecting the ownership, possession and use of property of all kinds – is a sphere from which in general, among classical Greeks, the oath is conspicuously absent. At first sight this may be surprising. Business, as we are constantly reminded, often involves great risks; in the ancient world this was especially true in the important sphere of maritime trade. Consider the case, a very common one, in which A lends money to B to enable B to buy a cargo with which he will make a voyage from Peiraeus to some distant region – Crimea, say, or Phoenicia – where he will sell the cargo and buy other goods which he will sell upon his return.[9] If B returns safely he is liable to repay the loan to A with appropriate interest (usually at a rather high rate); if the ship or the cargo is lost at sea, the debt is to be written off and A loses his money; if B fails to make the voyage agreed upon, or fails to ship an adequate return cargo, or returns to a different port from the one where he began his voyage, he may be liable to penalties enforceable by the courts. It is of the nature of such a contract that A risks heavy losses from events over which neither he nor B has any control. But he also risks heavy losses from the actions or omissions of B himself. There is unlikely to be any means of communication between A and B from the time B puts to sea until he returns, which may be several months later. If B breaks his agreement, A will not be able to do anything about it unless B returns to Athenian territory or A manages to track him down elsewhere. And yet we hear of no case in which a lender in such circumstances put the borrower on oath to fulfil his contract. A written agreement, legally enforceable, always sufficed. Why was this so?

The answer, in one word, is trust. To ask for an oath, as we saw earlier in this chapter, implied a lack of trust. But if you don't trust the other party to a deal, why are you making a deal with him at all? There is no compulsion; if you have reason to think that this particular trader isn't trustworthy, you will simply not deal with him but with someone else. And if he gets a general reputation for unreliability, he will be hard put to it to make any deals with anyone. Looking at it the other way round, if you are negotiating for a deal and the other man asks you for an oath, he is serving notice on you that he doesn't trust your honesty, and your relationship with him is thus starting on the wrong foot; again, you might well be better off doing business with someone else who does not advertise himself as a

9 On loans of this and related types, see E.E. Cohen 1992, 136–83; Millett 1992, 188–93; and MacDowell 2009, 257–87. For an actual loan contract of this kind see Dem. 35.10–13.

suspicious man. It is not surprising to find that even the pathologically mistrustful man (*apistos*) of Theophrastus, who is hesitant even about lending a friend or relative a set of cups for a party without a third-party guarantee,[10] is not described as demanding an oath from any of his borrowers or debtors.

There are, however, two situations in which we do find undertakings given in business transactions being confirmed by oath. One of these is exemplified only once in our sources, and then by a fictional case. In Aristophanes' *Clouds* (1214ff) a character appears who has lent the anti-hero, Strepsiades, twelve minae – or, to capture more precisely in modern terms the nature of the transaction, judging by the way he describes it (1224–5), has sold him on credit a horse worth this amount.[11] He is a member of the same deme (local community) as Strepsiades, and he implies that it would have been thought improper for him to refuse this favour to a fellow-demesman in financial difficulties.[12] He did, however, ask Strepsiades to swear that he would repay the advance (1227) – or alternatively we may be meant to suppose that Strepsiades himself, perceiving that the seller was reluctant to give credit, volunteered an oath. The creditor has recently been pressing for payment, and has been met with evasions and delays (1135–41); he has now decided to take legal proceedings, and has come to Strepsiades' house, accompanied by a witness, to issue a summons. Strepsiades, having learned from Socrates that the gods either do not exist or have lost their power, blithely denies (1225–6, 1230–1) that he ever bought the horse or incurred the debt, and equally blithely expresses his willingness to swear to his denial by Zeus, Hermes and Poseidon, and to do so, if desired, in a sacred place (1232–6).

This is clearly not a normal business transaction. Rather, the seller was extending credit, as a matter of neighbourly duty, to a person whom he knew, and who knew himself, to be a poor credit risk with little if any prospect of raising the money elsewhere – a beggar who could not be a chooser. In these circumstances he was evidently entitled to secure his position as far as he could by demanding an oath (or accepting one if it was volunteered). We cannot tell how common an occurrence this was. In *Clouds* it is an important part of the background to the plot that Strepsiades, on account of the extravagance of his aristocratic wife and their son's obsession with chariot-racing, has been spending far beyond his resources

10 Thphr. *Char.* 18.7. He *does* demand a third-party guarantee when leaving his cloak at the cleaner's (18.6)!

11 See MacDowell 1978, 138–9, and E.E. Cohen 2005, 293–6. MacDowell 2010 gives a detailed analysis of the legal aspects of Strepsiades' loan transactions.

12 He now says (1215–16) that it would have been better for him to have "refused unblushingly" (*aperuthriasai*); this verb means "to show no shame in situations in which a normal person would feel ashamed" (cf. Men. fr. 750, Apollodorus com. fr. 13.10).

– but also that, unlike his wife and son, he does not belong by birth or upbringing to the leisured and moneyed class and cannot rely on their mutual support networks. But for his improbable marriage[13] he would never have dreamed of buying horses in the first place.

There is also, in principle, another possibility, though nothing in the text of *Clouds* positively warrants us to assume it. This is that this was not the first time this man had given credit to Strepsiades, and that the latter had already shown himself a bad payer. This brings us to the second situation in which oaths are found in business dealings, one which has been well discussed by Carawan 2007. It was considered highly desirable, when possible, for two people who had quarrelled to effect a reconciliation, either by themselves or with the aid of mutual friends; often it would be very much in their material interests, too, especially if they were facing a common threat from some third party. But in many cases their past relations would be such that they would have to be more than human not to feel some continuing suspicion, and solemn mutual oaths would be an excellent device for disarming such suspicion – second only, perhaps, to a marriage alliance. Several instances of such reconciliations are narrated in surviving lawcourt speeches, most often in connection with inheritance disputes. Not surprisingly, we usually hear about them only when they break down.

The most detailed narrative we have of a sworn reconciliation is in Demosthenes' speech 48 (*Against Olympiodorus*), probably delivered in the late 340s. What follows is the account given by the speaker, whom I will call Callistratus;[14] it is likely to be very far from the whole truth,[15] but it must have been expected

13 Strepsiades' wife is the niece of Megacles son of Megacles (*Clouds* 46) – a member of the Alcmeonid family, which for two hundred years or more had been at or close to the very top of Athenian society – and yet we are expected to believe that her kinsfolk required the services of a matchmaker (*promnēstria*) to find a husband for her (41–2) and that the latter thought a hard-working, leather-jerkined (72) farmer was just the man.

14 He is so named in Libanius' *Hypothesis*, though his name is never given in the speech itself. Probably some early copies of the speech bore the title *For Callistratus* as well as, or instead of, *Against Olympiodorus*; there are other speeches (Antiphon 5, Lysias 16, Demosthenes 57) for which the name of the client is given in the speech title, the *Hypothesis*, or in a testimonial source, although it never appears in the text of the speech.

15 Callistratus gives no adequate explanation for agreeing in the first place to share an inheritance with a man whom (he says) he knew from the start to have no genuine claim to it (§6); and the part played in the whole affair by his half-brother Callippus (§§10, 20, 22, 29) remains entirely obscure. Most of the story Callistratus tells is unsupported by witness evidence; and, very unusually for an inheritance-related case, the information given about the family relationships of those involved is extremely sketchy. See MacDowell 2009, 88–92.

to carry conviction with a jury[16] (who admittedly, as Lysias is said to have once reminded a client, would only have the chance to hear it once).[17]

Callistratus had married Olympiodorus' sister, and the two men were apparently accustomed to work closely together. Accordingly, when an elderly, childless relative of Callistratus named Comon fell dangerously ill, Callistratus consulted his brother-in-law. Comon soon died, and Olympiodorus then claimed that he was related to Comon through his mother and had a right to a share of the estate. Callistratus (he says) knew that this was a lie and that no one was closer kin to Comon than he himself was, and there were high words between the two; eventually they agreed to thrash the matter out after the funeral (which they apparently organized jointly). A meeting was duly held, to which other family members were invited.[18] There was much wrangling, but eventually the two agreed that they should divide the estate equally "and that there should be no further unpleasantness" (§8).

> And after this we wrote down an agreement with each other about everything, and swore strong oaths to each other to the effect that we would divide the visible assets[19] fairly and justly, and that neither of us would seek to gain more of what Comon had left than the other, and that we would seek out all the other property jointly, and that we would take such action as might at any time be needed in consultation with each other (§9).

The agreement was witnessed by "the gods by whom we had sworn to each other", by the family members present,[20] and by a mutual friend, Androcleides, with whom the written document was deposited.

Callistratus claims to have consistently and conscientiously fulfilled the agreement, even when it was much against his interest to do so. In dividing the estate, he followed the classic procedure of first splitting it into two shares and

16 Though it is certainly surprising that Callistratus was thought likely to get away with admitting – indeed asserting – that he had conspired with Olympiodorus to bring collusive lawcourt proceedings in which they would pretend to be rivals and in which Olympiodorus was free, if he wished, to bring forward false evidence against him (§§28–31).

17 Plut. *Mor.* 504c.

18 Callistratus' half-brother, Callippus, who was expected to put in a claim to all or part of Comon's estate (§10), was abroad at the time; the agreement seems to have been, at least in part, directed against him.

19 The terms "visible" (*phanera*) and "invisible" (*aphanēs*), as categories of property, were not precisely defined (see A.R.W. Harrison 1968, 228–35), but they did not give rise to any dispute in this case; the actions of both parties show that by "visible" assets they understood simply those whose existence was evident without investigation – which proved to mean (i) houses with their contents and (ii) the slave workforces of two manufacturing establishments (§12).

20 Curiously, none of these is at any stage called as a witness to the agreement.

then asking Olympiodorus to choose between them (§§12–13). Olympiodorus' share included a slave named Moschion, who was suspected of having stolen and secreted some of Comon's money; the two heirs threatened him with torture, and he produced some 600 drachmae which they shared between them. Olympiodorus, however, in breach of the agreement, subsequently imprisoned and tortured Moschion himself, and Moschion confessed to having stolen a further 70 minae (7000 drachmae), all of which he handed over to Olympiodorus (§18). Callistratus learned of this, and after a time asked why he was not being given a share, but Olympiodorus procrastinated.

Then, as had been expected, Callistratus' half-brother Callippus came home and laid claim to half the estate, and other claimants also appeared. Callistratus and Olympiodorus agreed that the latter should claim the whole estate and Callistratus half of it. Before the date specified for the trial, Olympiodorus had to go abroad on campaign. This should have resulted in the postponement of the trial, but the other claimants succeeded in persuading the jury that Olympiodorus "was absent because of the trial and not on public business" (§25); Olympiodorus' claim was struck out, and Callistratus had to abandon his also (presumably because of the agreement, though he does not at this point mention it). The victorious claimants forthwith took possession of the whole estate, "and that," says Callistratus, "was the benefit I reaped from my partnership with this man" (§28).

When Olympiodorus returned, the pair agreed to launch separate counter-suits against the successful claimants – Olympiodorus again claiming the whole estate and Callistratus half – with whoever won giving the other his share "according to the agreement and the oaths". Olympiodorus spoke first, and was awarded the whole estate – and held on to it all, and to Moschion's 70 minae too. Callistratus mentions some of the justifications he had raised: that he had never received any money from Moschion; that anyway Moschion belonged to him and therefore the money did too; more seriously, that Callistratus had "violated the agreement ... and persistently spoken and acted in opposition to him". It was common in such reconciliation agreements to provide that future disputes should be taken to arbitration, but here it seems to be assumed by both sides (see §46) that if the agreement is broken by either side, the other side can treat it as null and void. That, of course, begs the question of what constitutes a breach. At any rate Callistratus cites his conduct throughout all the past dealings over the estate as evidence of the absurdity of the claim that he had persistently opposed Olympiodorus. He points out, in particular, that when Olympiodorus' original claim was struck out, he could still have laid claim successfully to a half-share, since none of the other claimants were opposing this (§41):

> But if I had done that, I would at once have become a perjurer; for I had sworn and agreed to do everything in common with you, consulting as to what seemed best for you and me (§42).

Altogether, Callistratus in this speech refers to "the oaths" about fourteen times. He links them closely with the written agreement, and makes that document the centrepiece of his case. Androcleides, with whom the agreement had been deposited, has been asked to bring it to court; his witness statement is presented in two instalments (§§11, 47), and Callistratus challenges Olympiodorus to allow the agreement to be opened and read, because

> I want you to hear the agreement and the oaths which this Olympiodorus and I swore to each other. And if he agrees, so be it; just listen to the words, whenever he sees fit to have them read. If he is not willing to do this, is it not then plain, members of the jury, that he is the most shameless man alive, and that you have no justification for taking seriously a single thing he says? ... He himself is well aware that he is wronging me, that he is wronging the gods by whom he swore, and that he is a perjurer (§§51–52)

Oaths appear again in two other reconciliation agreements in the course of inheritance disputes. In Isaeus 2 (*On the Estate of Menecles*), we hear of a dispute between Menecles and his brother over some property claimed by the latter, resulting in a lawsuit between them, in which Menecles appears to have been advised and assisted by his adopted son. It was eventually agreed to settle the dispute by arbitration, and the arbitrators decided

> that we [i.e. Menecles and his adopted son, the speaker] should withdraw from the property [Menecles' brother] claimed and make it over to him as a gift; for they did not see any other possibility of a settlement, except by [the brother and his son] getting a share of Menecles' property. For the future they ruled that we should treat each other well in word and deed, and they compelled us all to swear at the altar to do so; and we did swear to treat each other well in future, to the best of our ability, in word and deed (§§31–2)

Yet now, with Menecles dead, his brother is claiming the whole of his estate by challenging the legality of the speaker's adoption: "this is their idea of treating us well" (§33). The speaker emphasizes that Menecles' brother is violating his

oath, and argues that the very fact that he was included in the oath constituted an effective recognition of the validity of his adoption (§§38–40).[21]

Isaeus 5 (*On the Estate of Dicaeogenes*) is an episode in a long-running feud between Dicaeogenes III – the cousin and, he claims, the adopted son of the long-dead Dicaeogenes II whose estate is in dispute – and the sons of Dicaeogenes II's sisters. The most recent round of this feud had ended with a last-minute compromise under which Dicaeogenes III agreed to surrender to the nephews two-thirds of his cousin's estate, with two friends, Leochares and Mnesiptolemus, going surety for his performance of the agreement (§18). It turned out that little of the property survived, much having been sold or mortgaged and much money spent on building and repairs, and the nephews are now suing Leochares in his capacity as surety. Before the trial, Leochares and Dicaeogenes III asked for arbitration; each side nominated two arbitrators, and both sides swore before the arbitrators to abide by whatever decision they gave (§31).[22] Here, it will be seen, the oath of reconciliation does not form part of the arbitrators' award but is taken before they begin their work – a wise precaution, seeing that the dispute had already lasted ten years. In the end the arbitrators were deadlocked and made no decision at all, so that the oaths became inoperative.

A sworn reconciliation in rather different circumstances may or may not be evidenced in a speech by Isocrates (17) concerning dealings with the famous banker Pasion (father of the orator Apollodorus). The speaker is a young nobleman of the kingdom of Bosporus (Crimea) who is on an extended trading-cum-tourist visit to Athens. When his father, Sopaeus, fell under suspicion of treason and was arrested by King Satyrus, the king ordered those of his subjects who resided in Athens to seize the young man's money and force him to return home. In alarm, he consulted his banker, Pasion, with whom he had deposited considerable sums, and they agreed to deny the existence of these deposits and concoct evidence that the young man was actually in debt to Pasion and others. This was all very well for the time being, but presently news arrived that Sopaeus had been released and raised to even higher honours – and Pasion (or so the young man says) continued to deny the existence of the deposits and even demanded sure-

21 This argument would be a good deal stronger if it were true, as the speaker here claims, that Menecles' brother had been formally reconciled with *him* "and not with Menecles", and (this is insinuated, not explicitly stated) that he (the speaker) alone had taken the oath; but nothing in §§29–33 indicates that Menecles (the actual owner of the property in dispute!) was not a party to the reconciliation and oaths – indeed the speaker generally refers to his own side in the quarrel as "we" (i.e. Menecles and himself), not "I".

22 For another such oath taken by the parties to a private arbitration, see *Ath.Agora* xix L4a.69–81. On oaths sworn by arbitrators themselves, see S&B §5.13.

ties for his customer's alleged debts. The Bosporan, not surprisingly, prepared to go to law, and at this point Pasion asked to meet him in a sacred place. They met on the Acropolis, and Pasion said that he had acted as he had because he was short of money and asked that he be forgiven and his financial position kept secret (§18). The Bosporan agreed, provided arrangements were made to ensure that he got his money back, and two days later they met a second time, again on the Acropolis, and "exchanged pledges" to keep the matter secret (§19). Since the content of the pledges is introduced by the particles *ē mēn*, which normally introduce the terms of an oath, it is possible that we are to understand they swore to this; but the speaker never explicitly claims that an oath was taken or that Pasion has broken one.[23] They also "agreed" (no mention here of a "pledge") that they would travel together to Bosporus, where Pasion would repay the money; that on returning to Athens, Pasion could say what he liked about the matter; and that if he failed to carry out these terms, King Satyrus was empowered to condemn him to pay 150% of the sum claimed. This agreement was put in writing and entrusted to Pyron of Pherae, who regularly traded with the Black Sea region, with instructions to burn it if the parties reached a final settlement, otherwise to deliver it to Satyrus (§20).

Whether or not this agreement was sworn to, a degree of sanctity was certainly conferred on it by the place in which it was made.[24] It was never carried out in the way originally specified; Pasion refused to make the voyage to which he had allegedly agreed, asserted that no agreement at all had been made, and demanded that the document deposited with Pyron be opened before witnesses – and the document turned out to say that Pasion was released from all claims whatsoever on the Bosporan's part. Of course the Bosporan claims that there had been a fraudulent substitution; but while we need not explore the sequel in detail, it is worth noting that Pasion did in the end carry out the spirit of the agreement. He agreed to travel to Satyrus' court and submit the dispute to his arbitration; and although in the end he did not make the voyage himself, he did send his confidential slave Cittus there (§51). Satyrus refused to give a decision, apparently because he might seem to be infringing Athenian jurisdiction, but he wrote a letter to the Athenian state in terms friendly to Sopaeus' son and encouraged

23 Accordingly this passage has not been included in the Oath project database.

24 If, that is, it was made at all. Pyron, the only third party who, according to the Bosporan's story, knew about the agreement, is never called as a witness. On the other hand, Agyrrhius, a leading politician of the day and a friend both of Pasion and of the Bosporan, later testifies (§§31–2) to having asked the latter, on Pasion's behalf, either to persuade his friend Menexenus to withdraw a lawsuit he had brought against Pasion *or to annul the agreement*, which implies that at that time Pasion thought the agreement endangered him.

Athenian merchants then in his kingdom to support his cause (§52). Sopaeus' son, of course, claims that Satyrus did this because he thought Pasion was in the wrong; needless to say, it is just as likely that he was simply doing what he could to be kind to the son of his chief minister *without* pronouncing on the rights and wrongs of the matter.

At any rate, the pattern is clear. Normal business transactions are based on trust and do not require oaths – indeed, so far as our evidence goes, oaths are positively avoided. They may be taken, however, when two parties who have quarrelled are trying to resume normal (or at least non-hostile) relations, or when someone is extending a favour to a person with whom he would not be willing to do business in the ordinary way (and who knows it).

5 The language of oaths

5.1 How oaths are expressed

A.H. Sommerstein

In ancient Greek there are three basic forms of expression that constitute swearing: one makes explicit the act of swearing itself, one makes explicit the curse contained in the oath, and one leaves both of these to be understood and instead focuses on the god who is to witness and enforce the oath or on the object named as *Eideshort* (§5.3). These are all found in ordinary discourse and in poetry; in official oaths, however, a fourth form is usual, in which the statement sworn to is first uttered as a simple assertion or promise, and this is followed by words which have the effect of making the statement into an oath.

(1) The simplest, most direct form of swearing is effected by the use of the performative verb *omnumi* or *omnuō* "I swear", normally governing an infinitive phrase specifying the statement that was being sworn to.[1] Nearly always the name of the witness god is added in the accusative case,[2] as in this example from Euripides' *Hippolytus* (713–14):

> ὄμνυμι σεμνὴν Ἄρτεμιν, Διὸς κόρην,
> μηδὲν κακῶν σῶν εἰς φάος δείξειν ποτέ.
>
> I swear by awesome Artemis, daughter of Zeus,
> that I will never bring to light anything of your afflictions.

This form of oath is not as frequent in our data as one might expect, occurring less than thirty times, even if we include those cases in which the statement to be sworn to has already been stipulated to the swearer who then merely confirms that (s)he does indeed swear to it. It is found in drama[3] and in other authors, of

1 Twice in Xenophon (*Cyr.* 5.1.28, 5.4.31) the statement forms the main sentence and *omnumi* is inserted parenthetically.

2 Possibly this was not in origin a direct object; it is striking that in the Hippocratic oath the accusative is followed, and governed, by ἵστορας ποιεύμενος "making my witnesses", suggesting that a construction like (say) ὄμνυμι τὸν Ποσειδῶνα "I swear (by) Poseidon" may have originated as an abbreviation of ὄμνυμι, τὸν Ποσειδῶνα ἵστορα ποιούμενος "I swear, making Poseidon my witness".

3 Soph. *Trach.* 1188 (where the content of the oath has already been stipulated by the swearee); Eur. *Med.* 752, *Hipp.* 713–14 (above), 1025–7, *IA* 473–6, fr. 487 (the content of the oath has not survived); Ar. *Birds* 445–7 (content previously stipulated), *Thesm.* 272–4 (ditto).

poetry and prose, who report conversations – Pindar,[4] Herodotus,[5] Xenophon[6] and, once, Plato.[7] In public oratory it occurs three times, all in Demosthenes (23.5, 32.31, 54.41), the oath always being "by all the gods" (one speaker adds "and all the goddesses"), evidently a particularly solemn and emphatic formula.

The surviving *omnumi* oaths are all either volunteered, or exacted by private individuals for private purposes; oaths of an official character, whether administered by the state or by other bodies such as local communities or religious societies, are hardly ever, to our knowledge, expressed in this way. There is only one exception that we know of: the celebrated Hippocratic *Oath* (see ch. 14), which begins thus:

> I swear, making my witnesses Apollo the Physician, Asclepius, Hygeia, Panacea, and all the gods and goddesses, that I will fulfil, to the best of my ability and judgement, this oath and this contract ...

the terms of which are then specified.[8]

(2) A moderately common form of oath in conversation, again almost always volunteered, is that in which the speaker, without using a verb of swearing and usually without naming the witness-god, explicitly wishes (with an optative verb, either itself in the first person or with a first-person pronoun as direct or indirect object) for some evil (usually destruction) to befall him/herself[9] if proposition *p* is false – which by definition amounts to swearing that *p* is true. A simple example is this one from Aristophanes' *Frogs* (579):

> κάκιστ' ἀπολοίμην, Ξανθίαν εἰ μὴ φιλῶ.
>
> May I perish most miserably if I do not love Xanthias!

4 *Pyth.* 4.165–7, *Nem.* 7.70–3.

5 1.212, 5.106.

6 *Anab.* 6.1.31, 6.6.17, 7.6.18–19, 7.7.40; *Oec.* 4.24; *Symp.* 4.11; *Cyr.* 5.1.28, 5.4.31, 8.4.7; *Ages.* 5.5.

7 *Phdr.* 236d–e.

8 The first, long clause of the oath-statement is in the infinitive; the remaining clauses are in the first-person future indicative, as regularly in oaths of type (4) below.

9 The verbs normally used are ὀλοίμην "may I perish" (with its compounds ἀπολοίμην and ἐξολοίμην) and its synonym μὴ (or μηκέτι) ζώιην "may I not live (any more)". For further discussion of oaths of this type, and others that include "explicit self-curses", see ch. 2 above.

This oath, uttered by the god Dionysus, actually fails in its objective (which is to persuade Dionysus' slave Xanthias to take over his Heracles costume),[10] and he has to swear another and much more powerful one (586–8):

> ἀλλ' ἤν σε τοῦ λοιποῦ ποτ' ἀφέλωμαι χρόνου,
> πρόρριζος αὐτός, ἡ γυνή, τὰ παιδία,
> κάκιστ' ἀπολοίμην, κἀρχέδημος ὁ γλάμων.
>
> But if I ever take ⟨the costume⟩ away from you from now on,[11] then may I and my wife and my children perish most miserably, root and branch – and bleary-eyed Archedemus[12] as well!

In our data this form of oath occurs about twenty times, all but one of them in drama. The majority are in Aristophanes, where they appear on the lips of a wide range of speakers (all male) and accompany a wide range of types of assertion, promise and threat; the most common type is the declaration of love, loyalty and/or sincerity. In one case, in the wrangling-match between two low-life characters that dominates Aristophanes' *Knights*, the self-imprecation undergoes baroque elaborations. The current favourite slave of the personified Athenian People, Paphlagon (who represents the politician Cleon), and the Sausage-seller who is trying to supplant him, both protest their undying loyalty to him. Paphlagon speaks first (*Knights* 763–8), and begins by praying to Athena that if he has been a worthy servant of the Athenian people he may enjoy, as he does now, free maintenance at public expense "for having done nothing" …

> εἰ δέ σε μισῶ καὶ μὴ περὶ σοῦ μάχομαι μόνος ἀντιβεβηκώς,
> ἀπολοίμην καὶ διαπρισθείην κατατμηθείην τε λέπαδνα.
>
> But if I hate you, if I am not the only man who stands firm and fights for you, then may I perish and be sawn in two and cut up into yoke-straps!

10 A dangerous thing to be wearing in the underworld, where Heracles is a wanted criminal, having stolen the dog Cerberus on his last visit there.

11 Xanthias had been induced to wear the Heracles costume in an earlier scene, only to be abruptly told to hand it over (521–33) when "Heracles" received a dinner invitation from Persephone, the queen of the underworld. Even after this oath he continues to fear that Dionysus will do the same to him again if he sees any advantage in resuming the Heracles role (598–600).

12 A contemporary politician. His inclusion in the oath is, from one point of view, merely an irrelevant comic twist; but, as Tucker (1906) pointed out, the new oath can be seen as carrying the "inducement" that even if Dionysus does break it, Xanthias and the Athenian people will have the consolation of getting rid of Archedemus!

As he does repeatedly throughout the play, the Sausage-seller at once caps Paphlagon's words with more emphatic, more colourful words of his own, here a multiple imprecation (769–72) drawn from his own trade of meat preparation as Paphlagon's was partly drawn from his alleged trade of leather-working:

> κἄγωγ', ὦ Δῆμ', εἰ μή σε φιλῶ καὶ μὴ στέργω, κατατμηθεὶς
> ἑψοίμην ἐν περικομματίοις· κεί μὴ τούτοισι πέποιθας,
> ἐπὶ ταυτησὶ κατακνησθείην ἐν μυττωτῶι μετὰ τυροῦ
> καὶ τῆι κρεάγραι τῶν ὀρχιπέδων ἑλκοίμην εἰς Κεραμεικόν.
>
> And may I, Demos, if I do not love and cherish you, be cut up and boiled with mincemeat! And if you don't believe that, then may I on this table be grated with cheese into a savoury mash, and may I be dragged by the balls with my own meathook to Cerameicus!

One oath of this type survives in a fragment of another comic dramatist, the fourth-century author Eubulus (fr. 115.6–7), where a character strongly denies that he wishes to speak evil of women – but presently finds himself doing so just the same, because he begins to list the good and bad women of myth and finds that he can only think of two (Penelope and Alcestis) in the former category!

In the tragic corpus there are six oaths of this form; they have a particularly striking effect because of their rarity in the genre, and on two occasions they are paired. One pair occurs in a satyr-drama, Euripides' *Cyclops*, in the amusing scene (see further §10.2) in which Silenus swears that he did not try to sell the Cyclops' property to Odysseus and his men, and his children the satyrs swear he did, each invoking destruction on … the other (*Cyclops* 262–72). The second pair is in Sophocles' *Oedipus the King* (644–5, 660–2) when, in the desperate attempt to convince Oedipus that he is not the target of a political conspiracy, first Creon and then the chorus of elders explicitly invoke destruction on themselves – Creon in support of a declaration that he is innocent of the charge made against him, the chorus to reinforce their denial that by begging Oedipus to take Creon's declaration seriously they are seeking the death or exile of Oedipus himself. Oedipus is not at all convinced,[13] but it is clear that he ought to have been. Another such imprecation in tragedy, in Euripides' *Hippolytus* (1025–31), also accompanies a declaration of innocence, when Hippolytus denies the charge that he defiled the bed of[14] his stepmother Phaedra. The remaining one, in *Orestes* (1147–8), accom-

13 Although he grants the chorus's request to spare Creon, he still thinks that by letting him go he may be condemning himself to death or exile (669–70); and even thirty lines later (701) he is speaking of Creon's alleged plot as an established fact.

14 I use this expression (a translation of one used by Theseus in *Hipp.* 944) because, while the allegation made in Phaedra's suicide note, and repeated by Theseus in Hippolytus' absence,

panies a threat (to murder Helen); the formula "may I not live" seems to be particularly associated with threats, with which it is coupled in all its three surviving occurrences.[15]

The imprecation-type of oath occurs only once outside drama: in Demosthenes' speech *On the False Embassy* (19.172), where he swears that he would never have gone with Aeschines and others on the embassy to receive the oaths of peace from Philip of Macedon in 346, had he not on his previous visit promised certain prisoners that he would bring back money for their ransom.

(3) The third type of oath, which – to judge by the writings of Plato, Xenophon and the comic dramatists – must have been used by ordinary Greeks many times more frequently than all other forms combined, consists simply of an assertion or promise reinforced by the naming of a god, or sometimes of an *Eideshort*, in a simple syntactic construction which signals that the speaker is swearing by that god or on that object.[16] In classical Attic, and in most other dialects, the construction consists of the name of the god or object in the accusative case,[17] preceded by one or two words which mark the utterance (i) as an oath and (ii) as affirmative or negative as the case may be. In Attic these words are νὴ or ναὶ μὰ for affirmative oaths, μὰ or οὐ μὰ for negative ones; in Homer, in most other non-Attic poetry, and presumably in the Ionic and Lesbian dialects, only ναὶ μὰ and οὐ μὰ appear;[18] in

was one of forcible rape, Hippolytus himself seems to think he is being charged with consensual seduction; see Sommerstein 2006b, 235.

15 The others are at Ar. *Knights* 833–6 and *Clouds* 1255. There is a possible fourth occurrence at *Lysistrata* 530–1 ("Shall I keep silent for you, a woman with a veil over her face? Then may I not live!"), if this is taken to mean "I will not under any circumstances keep silent …"; but the speaker may also mean "I will be too ashamed to go on living if a woman forces me to keep silent" – and since he *does* in fact fall silent after these words, for a space of twenty-four lines, it is unlikely that he conceives himself as having just sworn not to do so.

16 Very occasionally this type of oath is combined with a more formal expression, as in Xen. *Oec.* 20.29 ("By Zeus, I say to you, Ischomachus, *and confirm it by oath* [ἐπομόσας] that …").

17 The name is almost always preceded by the definite article, unless the god is Zeus, in which case the article is optional. Instead of invoking a specific individual god, the swearer may invoke "the gods" in the plural (referring to the entire pantheon) or in the dual (referring to a specific pair of deities honoured in his or her cultural milieu – at Athens, where only women used this particular form of oath, Demeter and Persephone; at Sparta, Castor and Pollux; at Thebes, Amphion and Zethus).

18 Affirmative with ναὶ μὰ: *Iliad* 1.234; Ananius fr. 4; Theognis 1045; *iamb. adesp.* 57; Pind. *Nem.* 11.24. (A fifth-century inscriptional text from Paphos written in the Cypriot syllabary – *ICS* 8.6–7 – appears to have the two words in the reverse order, μὰ ναὶ.) Negative with οὐ μὰ: *Iliad* 1.86, 23.43; *Odyssey* 20.339; Sappho fr. 95.9; Hipponax fr. 155b. Herodotus, strikingly, in his many speeches and conversations never has any character use any oath-formula of this general type. This is

Doric (including the "Doric" of tragic lyrics), and in Arcadian, we find ναὶ (Arcadian νεὶ) and οὐ alone serving the same functions.[19] In Boeotian, however, the construction is a different one, ἴττω ("let him/her know", i.e. be witness to my statement) with the god as its subject;[20] and this construction, with the Ionic-Attic form of the same verb (ἴστω), is also found in epic (including the *Homeric Hymns*) and Attic tragedy.[21]

In conversation, in prose texts, and in the less elevated types of poetry (comedy, satyr-drama, elegy and iambus), these oaths generally seem to do little more than give emphasis to the statements they accompany; we have given them the label "informal oaths", and they will be discussed in ch. 13 below. In epic, melic and tragic poetry, in contrast, oaths of this type can be extremely weighty.

There are, for example, only three μά-oaths in the *Iliad*; all are uttered by Achilles, and all are particularly solemn asseverations – that he will not allow anyone, even Agamemnon, to lay hands on Calchas (1.86–91); that the Achaeans will regret dishonouring him when, in his absence, they are falling in great numbers at Hector's hands (1.234–44);[22] and that, bloody from battle as he is, he will not wash his face until Patroclus' funeral has been completed (23.43–7).

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probably a stylistic decision: when another writer might have put an informal oath into a character's mouth, Herodotus merely says that the character said something "with an oath of affirmation/denial" (ἐπομόσας or ἀπομόσας: 6.63.2, 8.5.2).

19 Affirmative with ναὶ/νεὶ: Epicharmus fr. 70 K-A; *PMG* 960 (probably tragic, see Sommerstein 2010b); Eur. *Ba.* 534; Ar. *Ach.* 730, 742, 774, 779, 798 (Megarian), *Wasps* 1438 (Sybarite), *Peace* 214 (Spartan), *Lys.* 81 and ten other passages (Spartan); Xen. *Hell.* 4.4.10 (Spartan). Negative with οὐ: Soph. *Ant.* 758–9, *OT* 660, 1088, *El.* 1063 (all but the first of these passages are lyric); Ar. *Lys.* 986, 990, 1171 (Spartan); Xen. *Anab.* 7.6.39, *Ages.* 5.5.6 (both Spartan). Both in the same document: *IG* v(2) 343 = *IPArk* 15 (Orchomenus).

20 e.g, ἴττω Δεύς "let Zeus know" (= "I swear by Zeus") (Ar. *Ach.* 911, Pl. *Phd.* 62a, Pl. *Epist.* 7.345a), ἴττω Ἡρακλῆς (Ar. *Ach.* 860). Aristophanes also makes his Boeotian swear in the Attic manner with a Boeotian accent (νεὶ τὸν Ἰόλαον, *Ach.* 867; νεὶ τὼ σιώ [θιώ Blaydes], *ib.* 905); it is not clear whether both formula-types existed side by side in the dialect, or whether Aristophanes is partly "atticizing" his character's speech in this respect (as he does in some others: cf. Colvin 1999, 139, 141–3, 150, 155, 158, 168, 197–8, 206, 213, 221–2, 232, 234, 259–60, 297–8).

21 *Iliad* 10.329, 15.36, 19.258; *Odyssey* 5.184, 14.158, 17.155, 19.303, 20.230; *h.Dem.* 259; *h.Ap.* 84; Soph. *Trach.* 399, *Ant.* 184, *OC* 521; Eur. *IT* 1077, *Ion* 1478, *Phoen.* 1677, *IA* 1413.

22 The first of these two oaths comes at the beginning of the debate in which occurs the great quarrel between Achilles and Agamemnon; the second near the climax of the quarrel, just after Achilles, on the point of killing Agamemnon, has been restrained by Athene; they are linked by the phrase ἄριστος (-ον) Ἀχαιῶν "the best of the Achaeans" in the last line of each (in the same metrical position), a title claimed both by Agamemnon (91) and by Achilles (244). On Achilles' three μά-oaths see further Griffin 1986, 52.

Against this background, the one and only μά-oath in the *Odyssey* (20.339–42) evidently deserves our attention. It relates to what seems to be a matter of secondary significance: Telemachus is denying that he is doing anything to hinder his mother's remarriage. What gives it weight, though, is its context. It leads directly into the grisly vision and prophecy of Theoclymenus (20.345–57); it is designedly misleading, for Telemachus says (though he does not swear) that his father "is, I suppose, either dead or wandering, far from Ithaca" (20.340) when he knows his father is actually in the same room with him; and, all unknown to him, in a few minutes his mother will in fact be announcing her intention to remarry at once (21.63–79).

In the spoken verse of classical tragedy, as distinct from satyr-drama, there are some thirteen μά-oaths,[23] and it is striking that none of them is uttered by a mature male; in ten cases the speaker is a woman, in two a very young man (Menoeceus, son of Creon, and Achilles), and for one passage (Soph. fr. 140) we do not know the speaker or the context. Some of these oath-expressions (such as Soph. *El.* 626 or Eur. *Andr.* 934) are only a little stronger than some of the "informal oaths" of comedy or satyr-drama (though the actual phrases used are always such as are not found in these genres), but others can be very powerful indeed, with the μά-phrase sometimes being extended to two or three lines. Those in Euripides' *Medea* are discussed elsewhere (§6.1); one may also instance the passage (Aesch. *Ag.* 1431–7) where Clytaemestra, standing sword in hand over the corpses of her husband and his concubine, publicly proclaims her own adultery:

καὶ τήνδ' ἀκούσηι γ' ὁρκίων ἐμῶν θέμιν·
μὰ τὴν τέλειον τῆς ἐμῆς παιδὸς Δίκην
Ἄτην Ἐρινύν θ', αἷσι τόνδ' ἔσφαξ' ἐγώ,
οὔ μοι φόβου μέλαθρον ἐλπὶς ἐμπατεῖ,
ἕως ἂν αἴθηι πῦρ ἐφ' ἑστίας ἐμῆς
Αἴγισθος, ὡς τὸ πρόσθεν εὖ φρονῶν ἐμοί·
οὗτος γὰρ ἡμῖν ἀσπὶς οὐ σμικρὰ θράσους.

You will now also hear this righteous oath I swear: by the fulfilled Justice that was due for my child, by Ruin and by the Fury, through whose aid I slew this man, no fearful apprehen-

23 Aesch. *Ag.* 1432 (Clytaemestra); Soph. *El.* 626 (Clytaemestra), 881 (Chrysothemis), 1240 (Electra), fr. 140; Eur. *Med.* 395, 1059 (both Medea), *Hipp.* 307 (Nurse), *Andr.* 934 (Hermione's women friends), *Ion* 1528 (Creusa), *Ph.* 1006* (Menoeceus), *IA* 739* (Clytaemestra), 949 (Achilles). In the negative oaths in the two asterisked passages, as often in colloquial Attic, the negative force is carried, in an elliptical sentence, by μὰ alone, there being no (other) negative word either in the oath-utterance itself or anywhere in the context; this usage is not otherwise found in serious poetry.

sion stalks my house, so long as the fire upon my hearth is kindled by Aegisthus and he remains loyal to me as hitherto; for he is an ample shield of confidence for me.

Or young Menoeceus (Eur. *Phoen.* 1003–8), who has deceived his father Creon into believing that he is going to flee the country, when in fact he intends to commit sacrificial suicide in the manner necessary, according to the prophet Teiresias, if Thebes is to be saved:

ἐγὼ δέ, πατέρα καὶ κασίγνητον προδοὺς
πόλιν τ' ἐμαυτοῦ, δειλὸς ὣς ἔξω χθονὸς
ἄπειμ', ὅπου δ' ἂν ζῶ, κακὸς φανήσομαι;
μὰ τὸν μετ' ἄστρων Ζῆν' Ἄρη τε φοίνιον,
ὃς τοὺς ὑπερτείλαντας ἐκ γαίας ποτὲ
Σπαρτοὺς ἄνακτας τῆσδε γῆς ἱδρύσατο..

And shall I betray my father, brother [Haemon] and city by leaving the country like a coward, and be base in the eyes of all, wherever I may live? No, by Zeus who dwells among the stars, and by bloody Ares who once upon a time caused the Sown Men[24] to rise from the ground and made them lords of this land!

(4) In oaths prescribed by a state (or other collective body with authority over its members) it is a common pattern for the swearer first to make a simple statement and then to convert it linguistically into an oath by specifying the god(s) being invoked as witnesses[25] and/or by adding a self-curse in case of the statement being false or the promise broken (sometimes accompanied by a blessing in the contrary case). Several of these are quoted *in extenso* in S&B,[26] so we here content ourselves with citing one, the oath of the *tagoi* of the Labyad phratry at Delphi.[27] This begins with a promise:

I will serve as *tagos* justly, according to the laws of the city and those of the Labyadae regarding sacrificial victims for the Apellae and regarding cakes. And I will collect and disburse money for the Labyadae justly, and will not steal or do harm, by any means or device,

24 The children of the dragon's teeth, the five survivors of whom joined Cadmus in founding Thebes and became the progenitors of its leading families; Creon and his sons were descended from one of them.

25 Sometimes the swearer follows up the statement by saying "This is true, by [name(s) of god(s)]", as in *IG* ii² 97, 1196, 1237.

26 See S&B 10–11, 13–22 (the Athenian ephebic oath), 70–80 (the Athenian dicastic oath), 141–3 (a reconciliation oath from Dicaea in Chalcidice).

27 *CID* i 9, face A, lines 1–18; between 424 and 350 BC. A few letters are restored in most lines, but the text is nowhere in any serious doubt. A later section of the same inscription (face B, lines 21–50) prescribes penalties for breaches of the undertaking here given.

> to the property of the Labyadae. And I will impose the oath on the *tagoi* for next year, as prescribed.

This is followed by the word hórkos "oath", introducing the words which made the promise into a sworn one; these words are:

> hυπίσχομαι ποὶ τοῦ Διὸς τοῦ πατρώιου· εὐορκέοντι μέμ μοι ἀγαθὰ εἴη, αἰ δ' ἐφιορκέοιμι ϝεκών, τὰ κακὰ ἀντὶ τῶν ἀγαθῶν.
>
> I promise this in the presence of Zeus Patroios. If I keep my oath may I have blessings, but if I break it willingly, may I have evils instead of the blessings.

The same pattern is also found in oaths exacted by private individuals. When Medea in Euripides' play makes Aegeus swear never to banish her or surrender her to her enemies, and he duly does so (invoking Earth, Sun and "all the gods" as witnesses), she then asks him (*Med.* 754) "What do you pray to suffer, if you do not abide by this oath?" to which he replies "The fate that befalls mortals who are impious" (see §§1.1, 2.3). Phaedra may be making a similar demand of Hippolytus in a fragment of Euripides' lost *Hippolytos Kalyptomenos* (Eur. fr. 435).[28] In comedy, the famous oath of sexual abstinence taken by the women in Aristophanes' *Lysistrata* (209–37) is dictated by Lysistrata, line by line, to one of the women speaking "on behalf of all" (210), while all lay hands on the cup of wine which gives the oath extra sanctity (since Old Comedy assumes that the average woman values drink and sex above all other things whatsoever); the promise to be made is spelled out over ten lines, and then follow the blessing and curse (233–6):[29]

> ταῦτ' ἐμπεδοῦσα μὲν πίοιμ' ἐντευθενί·
> εἰ δὲ παραβαίην, ὕδατος ἐμπλῆιθ' ἡ κύλιξ.
>
> If I fulfil all this, may I drink from this cup; but if I should transgress it, may the cup be filled with water!

Speakers who *volunteer* oaths do not usually spell out the attached curse, but one who does is Ariston, the prosecutor of Conon in Demosthenes 54. He swears (Dem. 54.41) an oath of type (1) above "by all the gods and all the goddesses" that Conon is guilty of the charge against him and that he (Ariston) had been struck,

28 The doubts of Zwierlein 2004, i 71–77 and Hutchinson 2004, 22 as to whether this line does come from the exacting of an oath are answered by Talboy & Sommerstein 2006, 260 n.32.

29 Here reduced for simplicity to two lines; in the actual script, each line is spoken first by Lysistrata and then repeated by the other woman.

had been cut in the lip so as to need stitches, and had been the victim of *hybris*; and he follows it with a double prayer of a kind common in official oaths:

> καὶ εἰ μὲν εὐορκῶ, πολλά μοι ἀγαθὰ γένοιτο καὶ μηδέποτ' αὖθις τοιοῦτο μηδὲν πάθοιμι, εἰ δ' ἐπιορκῶ, ἐξώλης ἀπολοίμην αὐτὸς καὶ εἴ τί μοι ἔστιν ἢ μέλλει ἔσεσθαι.
>
> And if I am swearing truthfully, may I have many blessings, and may nothing of the same kind ever happen to me again; but if I am swearing falsely, then may I perish in utter destruction, I and all that I have now or will have in the future.

(5) The regular formulae for swearing tend to be varied considerably in serious poetry, and Bacchylides and Pindar in particular, when they make sworn statements in their own names (as they not infrequently do),[30] can resort to some rather baroque devices to avoid using straightforward expressions that might sound prosaic. Thus we find in Pindar expressions like αὐδάσομαι ἐνόρκιον λόγον ἀλαθεῖ νόωι "I shall utter a word on oath with truthful heart" (*Olymp.* 2.92), μέγαν ὅρκον ὀμόσσαις τοῦτό γε οἱ σαφέως μαρτυρήσω "I shall swear a great oath and testify this much clearly for him" (*Olymp.* 6.21), or ἀλαθής τέ μοι ἐξορκος ἐπέσσεται … ἀδύγλωσσος βοά "and my truthful, sworn, sweet-tongued cry will be added" (*Olymp.* 13.98–100); sometimes even the personality of the swearer (the "poetic I") is suppressed, as in *Olymp.* 11.4–6:

> εἰ δὲ σὺν πόνωι τις εὖ πράσσοι, μελιγάρυες ὕμνοι
> ὑστέρων ἀρχὰ λόγων
> τέλλεται καὶ πιστὸν ὅρκιον μεγάλαις ἀρεταῖς.
>
> If toil should bring a man success, then his great achievements make sweet-voiced songs and sworn pledges arise, on which to found his future reputation.

Bacchylides has what seems to be a formula of his own for this purpose: twice (5.42, 8.19) he makes a statement about his honorand into an oath by saying that he utters it "resting (my hand) on the earth" (cf. *Iliad* 14.272).

Oaths of all these forms can invoke any god, goddess or (less often) hero, or any sacred or cherished object (or even abstraction, like "the sufferings of my father" in *Odyssey* 20.339); for details, see especially §5.3 and ch.13.

30 See MacLachlan 2007. Most of the statements concerned are laudatory ones about the honorand of the ode or his family.

5.2 The "Sophoclean" oath

I.C. Torrance

Referring to a serious statement as something sworn when it has not been may not seem particularly odd to the modern ear, but to the ancient Greeks, as we have seen, an oath was a binding and divinely sanctioned contract and the ritual language used to take an oath was markedly different from that used in a mere assertion, vow, or promise. Within our corpus of sources there are only a handful of cases in which an unsworn statement is treated as an oath, and these occur almost exclusively in Sophocles. For that reason the term "Sophoclean oath" has suggested itself to designate this particular use of oath-language, but this does not mean that oaths in their traditional form are not also important in Sophocles. We will look briefly at oaths in Sophocles in a general sense in order to contextualize his very particular use of "Sophoclean" oaths in five of his extant plays, each of which will then be discussed in turn. In conclusion we will examine the only two other examples of "Sophoclean" oath-language I have found in later authors, one in Aristophanes, which I argue is a parody of Sophocles' technique, and one in Isocrates where "Sophoclean" oath-language is exploited for rhetorical purposes.[31]

Referring retroactively to an unsworn agreement or statement as an oath adds the implications of a religious contract, with divine penalties for perjury, to a previously non-binding agreement. Doing so, then, would not seem particularly desirable for someone referring to their own previous statement. Nevertheless, this happens in three Sophoclean plays (*Ajax, Antigone, Oedipus at Colonus*). Moreover in two Sophoclean dramas (*Philoctetes* and *Oedipus at Colonus*), it is explicitly mentioned that an oath is *not* required and that a pledge will suffice, and yet after the pledge has been made, the agreement is nevertheless referred to as an oath. Finally, none of the characters accused by others of swearing an oath when none had been sworn (as happens in *Ajax, Philoctetes* and *Women of Trachis*) denies the erroneous accusation. I will argue that "Sophoclean" oaths engage the audience in a process of critical assessment similar to other ambigu-

31 One passage in the *Iliad* (2.339) where Nestor refers to "oaths" without any clear antecedent is the only possible example I have found of a "Sophoclean" oath that would pre-date Sophocles. In the next chapter (pp. 145–6) I discuss how Nestor might be recasting a "promise" mentioned by Odysseus in the previous speech as an oath, in a pattern which would foreshadow the "Sophoclean" oath. However, I conclude that the mention of libations in connection with these "oaths" strongly suggests a specific reference to the oath of Helen's suitors, so the passage will not feature in our current discussion.

ous or riddling language in Sophocles. "Sophoclean" oaths work within the fabric of the broader language of oaths in each tragedy and contribute to our understanding of the characters and the relationships between them.

As elsewhere in Greek literature, characters in Sophocles tend to be careful to avoid perjury (the exception, Lichas in *Women of Trachis*, will be discussed below).[32] In Sophocles' *Electra*, Orestes instructs the *paidagōgos* to offer an oath in reporting his fictitious death in a chariot accident at the Pythian games (*El.* 47–50), but in spite of narrating an elaborate tale of Orestes' alleged death the *paidagōgos* never offers his oath. Hirzel suggested that the *paidagōgos* does not swear the oath because Clytaemestra readily believes him, and that he might even be imagined as swearing the oath off-stage after he has gone into the palace with Clytaemestra.[33] But these suggestions ignore the fact that it is in the *paidagōgos*' own interests *not* to perjure himself. Moreover oaths are important elsewhere in *Electra* and seem especially marked in their language. All sworn oaths in *Electra* are informal, and the play contains the highest number of informal oaths in Greek tragedy.[34] Clytaemestra swears by Artemis (μὰ τὴν δέσποιναν Ἄρτεμιν) that Electra will not escape punishment for her insolence when Aegisthus returns (*El.* 626–7). Chrysothemis swears by the ancestral hearth (μὰ τὴν πατρώιαν ἑστίαν) that she is not mocking when she says that Orestes has returned (*El.* 881–2). Electra swears by the ever-unwedded goddess, i.e. Artemis, (μὰ τὰν θεὰν τὰν ἀεὶ ἀδμήταν) that she is not afraid of those in the house (*El.* 1239–42). The informal oath formula οὐ + accusative, used only by Sophocles among the tragedians, also occurs in *Electra* when the chorus swear by the lightning of Zeus and heavenly Themis (*El.* 1063–4: οὐ τὰν Διὸς ἀστραπὰν | καὶ τὰν οὐρανίαν Θέμιν). However, it is the concentration of examples of the μά formula that suggests that the language is especially marked in this play.[35] Electra's oath by Artemis mirrors her mother's earlier oath

32 A fragment of Sophocles' *Colchian Women*, a play of unknown date, contains one character asking another if he swears to do a favour in return (fr. 339). This could have been Medea asking Jason for an oath of guarantee, an oath which Jason is repeatedly said to have broken in Euripides' *Medea*. It is impossible to say, however, whether perjury of any kind featured in *Colchian Women*. On clever manipulation of oath-language used to avoid perjury in Greek culture see ch. 10, and see ch. 12 for examples of perjury and associated punishments.

33 Hirzel 1902, 72 n.3.

34 Informal oaths are oaths which do not contain a verb of swearing or an explicit imprecation but which are nevertheless oath statements, normally introduced by μά or νή. See Sommerstein 2007b, 125, and ch. 1 and 13 in this volume.

35 The only other example of the μά formula in Sophoclean tragedy comes from *Atreus* (fr. 140). The μά formula features elsewhere in tragedy but never in this concentration (see §5.1, pp. 82–3).

invoking the same goddess, as she becomes more and more like Clytaemestra.[36] Overall, there may be an evocation of Homer. Griffin noted that the μά formula is used only three times in the *Iliad*, and always by Achilles, marking "the unique intensity of his temperament and his speech", and that Telemachus' one use of the formula in the *Odyssey* is modelled on the language and gestures of Achilles.[37] The μά formula in *Electra* may have been used to suggest a similar intensity of purpose in these female characters and certainly demonstrates that there is no need for us to imagine characters swearing oaths off-stage.

The meaning of an oath-statement made in Sophocles can sometimes be ambiguous, but it tends not to be duplicitous. In *Oedipus at Colonus*, Oedipus swears on oath that he endured the worst things willingly (ἑκὼν μέν) but not by his own choice (τούτων δ' αὐθαίρετον οὐδέν; *OC* 521–3).[38] The implication of this apparently paradoxical statement seems to be that by not committing suicide he "endured" his crimes "willingly", but that none of those crimes were of his own choosing (since he committed them in ignorance). It is conceivable that a female character used duplicitous language in an oath and was later discovered to have done so in an unidentified Sophoclean play, from which a fragment survives stating "I write the oaths of a woman in water" (fr. 811), but this is ultimately impossible to ascertain. Perhaps the speaker is rejecting a woman's offer of an oath. In any case it is clearly a misogynistic sentiment. The line was remembered and parodied by the fourth-century comic poet Xenarchus, exploiting the stereotypical comic association of women and wine, with the version "I write the oath of a woman in wine" (Xenarchus fr. 6).[39]

Oaths in Sophocles can also function as a means of reassuring a *philos* who has become potentially hostile. This is particularly apparent in *Oedipus Tyrannus*, where most of the oath references in the play relate to characters attempting to appease Oedipus as he grows ever more paranoid. Creon swears (by means of self-imprecation) that he has not been plotting against Oedipus (*OT* 644–5), and Jocasta and the chorus beg Oedipus to take heed of the oath (*OT* 647, 653).

36 See Goldhill 2012, 74–8 on repetition of character from Clytaemestra to Electra in this play.

37 Griffin 1986, 52 (see also §5.1, p. 82).

38 Jebb 2004 [1900] 90 objected to Bothe's emendation of ἑκών "willingly" for the metrically incorrect ἄκων "unwillingly", but the complex expression is at home in Sophoclean language and ἑκών is adopted by Lloyd-Jones and Wilson 1990, 379.

39 Cf. also Philonides fr. 7, discussed in ch. 11 (pp. 288–9), and Catullus 70.3–4. Women's oaths are untrustworthy in a different context at Sophocles fr. 932. There a woman is said to flee the bitter pain of childbirth through oaths, but gets caught in the same net again, vanquished by desire. Presumably this means that the pain of childbirth makes a woman swear off sexual intercourse, but she subsequently breaks this oath once the pains have been forgotten.

The chorus members also swear by self-imprecation that they are not seeking the death of Oedipus or his exile from the land (*OT* 660–2).[40] We will have more to say concerning oaths and relationships between friends and enemies when we discuss "Sophoclean" oaths in *Philoctetes*. Certainly it is more common to find oaths taken between enemies or disputing parties.[41] Such is the case for the oath of Helen's suitors, which (as we saw in ch. 3) can be categorized as a "mythological" or "aetiological" oath. Achilles, as we discussed, was one of the leaders in the Trojan War who had not sworn the oath and the issue of Achilles' position outside the group of suitors seems to have been important in Sophocles' *Gathering of the Achaeans* (*Achaiōn Syllogos*), where someone conducts a roll-call from an inscribed tablet of whoever "swore together" (ξυνώμοσεν) but is not present (fr. 144). Sommerstein, who identifies this play with *Syndeipnoi*, shows that this tablet in all likelihood contained a list of suitors, and that the purpose of using this for the roll-call was to avoid a public shaming of Achilles, who had not yet arrived. Since his name was not on the list, it would not have been called.[42] Aristotle finds it worthy of particular praise that Achilles took part in the Trojan expedition although he was very young and not bound by oath (*Rhetoric* 1396b17). After his death, Achilles is replaced by his son Neoptolemus, who is similarly free from compulsion to remain with the expedition. This fact is exploited by Odysseus in Sophocles' *Philoctetes* when he uses Neoptolemus to persuade Philoctetes that he has left Troy and can bring him home. "You sailed under oath to no one, nor under compulsion, nor were you part of the first fleet", says Odysseus to Neoptolemus (*Phil.* 72–3). The oath of Helen's suitors is also referenced in *Ajax* where Teucer balks at Menelaus, stressing that Ajax went to Troy not for the sake of Menelaus or his wife but "because of the oaths by which he was solemnly bound" (1113). Oaths in Sophocles, as we can see, are taken very seriously. The chorus in *Antigone* praise the excellence of the man who upholds "the sworn justice of the gods" (*Ant.* 369: θεῶν τ' ἔνορκον δίκαν), and a character in Sophocles' *Oenomaus* is careful because an oath has been added to a promise (fr. *472).[43] It is striking,

40 The only other oath in the *OT* is the oath sworn by Oedipus early in the play (249–51), stating that the killer of Laius is not living in the house with his knowledge, similar to the plaintiff's exculpatory oath in Athenian homicide trials. For a defence of the text and a sensitive analysis of its implications and ambiguities, see Carawan 1999. As Carawan points out (206–7), the qualification of knowledge releases Oedipus from the danger of perjury, since the killer of Laius *is* living in his house. Edmunds 2012 highlights the importance of curse language in Oedipus' speech here and demonstrates that it is central to the Oedipus myth.

41 See further ch. 4 in this volume and S&B ch. 10 and 11.

42 See Sommerstein 2006a, 120–2.

43 Sommerstein and Talboy 2012, 105 argue that these lines are spoken by Hippodameia to Myr-

then, that Sophocles repeatedly uses oath-language to refer to unsworn statements in a manner unparalleled in any other author.

"Sophoclean" oaths generally occur in tragedies where oaths form an important network of language. These oaths therefore function within the broader patterns of oath-language in the relevant plays. We begin our discussion with *Women of Trachis*, since this contains the widest variety of oath-language, including a perjury, a probable lie about an oath, and a blind oath, as well as a "Sophoclean" oath. Oath-language in *Women of Trachis* clusters around the figures of Lichas and Iole and is directly linked to the deceptions and miscommunications of the tragedy. Next we address *Philoctetes*, another play in which oath-language is connected with deception and miscommunication. In this case the "Sophoclean" oath is part of a series of oaths reflecting the shifting relationships of friendship and enmity in the drama. The power dynamics between Oedipus and Theseus in *Oedipus at Colonus* are also expressed in part through "Sophoclean" oath-language. It is remarkable that both these plays (*Phil.* and *OC*) refer to unsworn statements as oaths *in spite of the fact* that the person to whom the unsworn pledge was made had explicitly stated that an oath is not required. Most peculiar, however, is the "Sophoclean" oath of the Guard in *Antigone* in which he effectively casts himself as a perjurer by referring to an unsworn statement as an oath which he has broken. Since oaths in *Antigone* are all sworn by Creon, however, I argue that the Guard's use of oath-language is designed to make the audience reflect on Creon's. In the final tragedy to be discussed, *Ajax*, "Sophoclean" oaths feature at significant moments rather than being part of a larger nexus of oath-language. Within each play, "Sophoclean" oaths help to guide audience response to important thematic issues.

Oath-language in *Women of Trachis* revolves to a great extent around the figure of Heracles' herald Lichas, the one actual perjurer in Sophocles. His perjury is committed when he swears by Zeus (*Trach.* 399: ἴστω μέγας Ζεύς) that he will tell Deianeira the truth, but then claims that he is unable to say who are the parents of the young captive woman (Iole), when their identity is, in fact, well known to him. It would just about be possible to argue that "I cannot say" (401: οὐκ ἔχω λέγειν) is not strictly speaking a lie if, for example, Heracles had asked Lichas not to tell Deianeira about Iole. Lichas does not say "I do not know", but when his lies are exposed by the Messenger, Lichas admits (with an *extra metrum* ναί) that he did announce to the citizens in the middle of the *agora* that the girl was Iole, daughter of Eurytus (419–24). He tries to make the argument that his state-

tilus, explaining why she is asking him to swear to carry out the plan of sabotaging Oenomaus' chariot and/or to keep it secret.

ment was based on hearsay, which is not the same as giving a definite account (425–6). However, when the Messenger asks him whether or not he stated on oath (ἐπώμοτος λέγων) that he was bringing the girl as a wife for Heracles (427–8), Lichas becomes flustered. "I said *wife*?" (429) he exclaims in outrage,[44] but he does not deny that he did so.[45] It seems to be the case that Lichas did swear on oath that he was bringing Iole as Heracles' wife, further evidence that he knows exactly who she is and who her parents are. More damning still, in relation to Lichas' perjury, is the revelation that Heracles had *not* asked Lichas to conceal or deny his passion for the girl (479–80). Clearly, then, Lichas' claim on oath, that he "cannot say" who the girl's parents are, is entirely false.

The Messenger also reveals that Lichas stated, in the same speech, that the city of Eurytus was subdued because of Heracles' desire for the girl (431–2). This casts doubt on Lichas' earlier report that Heracles attacked the city of Eurytus because "he swore solemnly, putting himself under oath" (255: ὅρκον αὐτῷ προσβαλὼν διώμοσεν) that he would enslave the man who caused his slavery, as well as his wife and child, holding Eurytus responsible (254–61).[46] The reported oath is especially strong since it uses the compound verb διόμνυμι "to swear solemnly", normally used in homicide courts such as the Areopagus, as well as the noun ὅρκος "oath".[47] Bruce Heiden, in his careful analysis of this scene, demonstrates that, if Heracles did swear this oath (and Heiden assumes he did), he actually fails to fulfill it, since he does not enslave Eurytus but kills him and attacks his entire city.[48] Heiden also shows, however, that Lichas' speech is full of ambiguous language intended to mask Heracles' true motivation of capturing Iole, for whom he has conceived a desperate passion.[49] Given that perjurers are always punished with death or the extinction of their family line in Greek tragedy, as discussed above, it is unlikely that Heracles swore this oath reported by Lichas, since the

44 The term is the same used to describe Deianeira as wife of Heracles (406, 650), cf. Segal 1981, 75.

45 Lichas also uses corrupted marriage language interwoven with language of corrupted sacrifice when he addresses Deianeira, see Segal 1981, 66.

46 Heiden 1989, 54–5 notes that when Lichas says Heracles swore to enslave Eurytus ξὺν παιδὶ καὶ γυναικὶ (257), this might refer only to Iole, i.e. "with his child, indeed a woman" rather than "with his child and his wife", depending on whether καί is taken as a conjunction or as an adverb. Cf. Winnington-Ingram 1980, 82, who discusses how Lichas lies about the motive for Heracles' attack on Eurytus, noting that his lust for Iole is the sole cause of the war.

47 On the *diōmosiai*, oaths taken by speakers in homicide trials, see S&B, 111–15. Fletcher 2012, 82 n.38 observes that Sophocles is the only tragedian to use the verb διόμνυμι.

48 Heiden 1989, 55.

49 Heiden 1989, 54–7.

known apotheosis of Heracles after his death is incompatible with divine punishment for perjury.[50] Rather, it seems to be part of Lichas' manipulation of the facts in presenting them to Deianeira. If Heracles had indeed put himself under oath, then the campaign against Oechalia is an obligation he must fulfil. If there is no oath, however, then Heracles freely chooses to engage in the campaign. The latter scenario would wound Deianeira more deeply once she has discovered that Heracles' passion for Iole was the true reason for the campaign, which had contributed to Heracles' prolonged absence. Lichas says that he feigned ignorance of the girl's identity in order to spare Deianeira's feelings (*Trach.* 481–3). It seems that the oath story, too, was fabricated for the same purpose since Lichas' use of oath-language is remarkably lax throughout, and he later admits that a terrible desire for Iole came upon Heracles "one day" (476) and that he conquered the city "for her sake" (477). This truth seems incompatible with the oath version of compulsion. Fletcher suggests that Lichas only lies about the *reasons* for Heracles' oath, but the language used by Lichas when he finally reveals the truth does not mention an oath at all, which implies that he lied about the oath itself. Fletcher is right, however, to stress that lying *about* an oath is not perjury.[51] Nevertheless, Lichas is shown first of all to be a liar, and then to be a perjurer in at least one instance. In the one unequivocal example of perjury, Lichas had invoked great Zeus as his witness (399). He will meet his end fittingly at the sacred grove of Zeus at Mount Cenaeum, killed by the son of Zeus, Heracles, who hurls him off the cliff face by the ankle after he delivers the poisoned robe from Deianeira (750–82). His brain pours out from his hair and his head is shattered (781–2).[52] Lichas is one of the small number of tragic perjurers whose fates can be read as a consequence of their perjury.[53]

50 See §12.1 on divine responses to perjury.

51 Fletcher 2012, 82.

52 Fletcher 2012, 84 notes the parallel between the description of Lichas' brain spilling out and the fate specified for those who would break the truce between the Trojans and the Greeks in the *Iliad*, namely that their brains be spilled on the ground and those of their sons, and that their wives should be the spoil of others (3.300–1). Heiden 1989, 72 is wrong, I think, to dismiss the oath by Zeus as being of "purely rhetorical utility".

53 *Pace* Hall 2009, 72 who suggests that Lichas, like Iphitus who suffers a similar death at the hands of Heracles, is "guilty of no crimes", though she is right to stress the parallels between the deaths of the two men. The fate of Jason in Euripides' *Medea* can similarly be read as resulting from his perjury (see pp. 133–4); see also §12.2, p. 307, on the deaths of Parthenopaeus in Aeschylus' *Seven against Thebes*, Capaneus in Euripides' *Suppliant Women*, and Eteocles in *Phoenician Women*.

Charles Segal observed that "Lichas' lie, the initial source of infection in the realm of *logos*, introduces also the infection in the realm of trust, *pistis*",[54] and that this corruption of *pistis* "is not entirely made good in the exchange between father and son", because "the boy is taken aback by the need for a formal oath".[55] In fact he is taken aback by what he perceives to be an "excessive pledge" (*Trach.* 1182), even before Heracles demands a blind oath.[56] Like Hippolytus in Euripides, Hyllus is here tricked into agreeing to unknown courses of action. The oath will compel him to follow Heracles' orders of building a funeral pyre for his father's living body and marrying Iole against his will (1185–1258). Heracles extracts a blind oath because he knows that Hyllus would refuse these requests under any other conditions. In spite of his oath, Hyllus is so opposed to his father's instructions that Heracles reminds him of the curse that awaits him should he disobey (1201–2, 1239–40) and reasserts his order concerning Iole with an oath of his own (1248).[57]

We now come to the one oath left out of the discussion so far, the "Sophoclean" oath. This too is connected with Lichas' knowledge of Iole's identity and takes place before his perjury. The identity of the captive women is a concern for Deianeira from their first appearance. She asks Lichas who they are (*Trach.* 242) but he does not answer the question. Deianeira then notices Iole, guessing that she is noble, and asks Lichas directly who she is and who her parents are (307–11). Lichas replies with a question: "How should I know?" (314). Deianeira persists, asking Lichas if she comes from the royal house and whether Eurytus had any children (316). Again Lichas claims he does not know. Had Lichas not learned her name from one of her fellow-travellers, asks Deianeira (318). Lichas says he had not.

54 Segal 1981, 95.

55 Segal 1981, 102.

56 Earlier in the play, the term *pistis* clusters around Deianeira's decision to send Heracles the anointed robe. She wonders whether it is a good idea and the chorus advise her to go ahead "if there is trust (*pistis*) in actions" (*Trach.* 588), to which she responds that she has trust to the extent that she believes it (590). As Hall 2009, 70–1 stresses, the exchange indicates that Deianeira has no certain knowledge of how the potion will work. Lichas then gives his "assurance" (*pistin*) that he will bring the robe to Heracles (623). So *pistis* is very much infected in this drama, as Segal suggests.

57 Winnington-Ingram 1980, 84 discusses Heracles' self-centred and ruthless attitude in his relationships, suggesting that he insists on Hyllus marrying Iole because "he can regard Hyllus in no other light than as an extension of his own individuality." Cf. also Segal 1981, 103 and Heiden 1989, 70.

It is clear that Deianeira makes a concerted effort to discover Iole's identity from Lichas, to no avail. When the Messenger arrives, revealing that Lichas' report is full of falsehoods, Deianeira realizes that her intuition of Iole's noble blood was correct. In a tone which is "bitterly ironical",[58] she asks (*Trach.* 378–9): "Nameless, then, is she, as the one who brought her solemnly swore (διώμνυτο), she who is so dazzling in face and form?" The question is rhetorical, but the Messenger answers nonetheless, revealing that she is the daughter of Eurytus, called Iole, adding a sarcastic remark about Lichas' failure to mention her origins "because he had made no inquiries" (382). As Easterling comments, the Messenger's point is that no one would have needed to inquire since everyone must have known who Iole was.[59] Deianeira's language, however, is an example of a "Sophoclean" oath, since Lichas had not sworn anything on oath in the earlier scene although he had vehemently denied any knowledge of the girl's identity. Fletcher suggests that "Deianeira selects her vocabulary as a rhetorical ploy to extract the truth",[60] but Lichas is not present at this point and Deianeira hardly has any need to extract the truth from the Messenger, who has already been telling her the truth and revealing Lichas' lies over the course of some forty lines. Rather, the oath-language emphasizes the seriousness of Lichas' deception in Deianeira's eyes. As far as she is concerned, it is *as if* Lichas had lied on oath. Moreover, the suggestion of perjury prefigures Lichas' actual perjury just twenty lines later,[61] when Lichas proves himself willing to lie on oath regarding Iole's identity, thus validating Deianeira's assessment of his deception.

Oaths and deception are inextricably linked in the first part of the tragedy, not only through Lichas' own statements but also through his questionable report concerning Heracles' oath to enslave Eurytus and his family. The atmosphere of confusion created as a result plays on Deianeira's mind. She becomes more and more concerned that she has lost the love of Heracles until she decides to send him the robe laced with a "love" potion, as she believes, realizing only too late that it is a potion of death.[62] Indeed Iole remains a figure at the centre of oath-language even at the end of the tragedy, since the blind oath demanded by the dying Heracles from Hyllus binds Hyllus to take Iole as his wife against his own wishes,

58 Easterling 1982, *ad* 375–9.

59 Easterling 1982, *ad* 381–2.

60 Fletcher 2012, 82.

61 Also noticed by Fletcher 2012, 83.

62 Hall 2009, 70–1 shows that Deianeira's deliberation concerning use of the potion is interrupted by the arrival of Lichas, right at the very moment when the chorus members have advised her to test it out before using it.

and the "Sophoclean" oath about Iole's identity helps to manipulate audience sympathy in favour of Deianeira.

Another tragedy in which different and often conflicting layers of communication are central to the development of events is *Philoctetes*, and again oaths play an important role in the language of the drama. The tragedy's setting at a "cave with two mouths" (*Phil.* 16) is emblematic of the dual versions of events which transpire during the play,[63] where it is unclear, in varying degrees, which version of a communication is true.[64] A further motif that is central to this play is the dichotomy between force and deception in relation to securing the assistance of Philoctetes and his bow. Neoptolemus originally wants to take Philoctetes by force, not by trickery (*Phil.* 90–1). In this respect he is very much his father's son, a point that is emphasized not only with frequent references to him by his patronymic as the son of Achilles,[65] but also through the report that the Greek army had been so overwhelmed by his likeness to the dead Achilles that they "swore" they were seeing him alive again (357–8).[66] Odysseus insists, however, that Philoctetes must be taken by deception (101). When Neoptolemus protests that persuading Philoctetes would be better than deceiving him (102), Odysseus stands firm: "He will not be persuaded; and you cannot take him by force" (103). The difficulty in taking him by force is that he has unerring arrows (104–5). Neoptolemus strongly resists using deception, concerned that it is shameful (106–20), but ultimately relents and agrees to Odysseus' plan (121–2).

Early in the play, then, Neoptolemus is associated with force and open persuasion, and Odysseus with deception and underhanded persuasion. It seems Odysseus had told Neoptolemus that completing this mission would make him Troy's conqueror (*Phil.* 114). Neoptolemus questions him about this after Odysseus' statement that only the arrows from the bow of Philoctetes can take Troy. Odysseus argues that Neoptolemus and the arrows are inseparable from each other (115) and that by undertaking the task Neoptolemus will win two "prizes", namely being called both wise and noble (119). Neoptolemus thus succumbs to

63 Cf. Ringer 1998, 104.

64 Cf. Winnington-Ingram 1980, 281: "Information is withheld and released...There are false starts and, above all, false endings, so that the audience is kept in a state of uncertainty, never quite sure what the characters will do or even in some cases what they are trying to do." Segal 1981, 328–61 discusses the problems of communication in this play, and see also Ringer 1998, 101–25 on the tensions between illusion and reality in *Philoctetes*.

65 Neoptolemus is called the son of Achilles at *Phil.* 4, 50, 57, 240–1, 260, 364, 542, 940, 1066, 1220–1, 1237, 1298, 1312, 1433.

66 The statement is metaphorically true in the sense that a dead man lives on through his children.

Odysseus' manipulation. This contrast between Odysseus the deceiver and the forceful Neoptolemus becomes confused, however, as the drama progresses. Neoptolemus, for example, refers to Odysseus in his exchange with Philoctetes with the Homeric phrase Ὀδυσσέως βία "the force of Odysseus" (314, 321), as does the False Merchant (592). Moreover, Neoptolemus proves to be rather skilled in deceptive rhetoric. On his own initiative, he claims that he has been wounded, or more literally "maimed" (330: ἐξελωβήθην), by Odysseus and the Atreidae, thus appealing to Philoctetes not only as a fellow enemy of Odysseus but also as a fellow cripple, with language which Philoctetes later uses to describe himself (1103: λωβατός).[67]

The issue becomes muddled further in the report of the False Merchant. He is sent by Odysseus, since Neoptolemus seemed to be tarrying (*Phil.* 126–31), but his account does not quite tally with what Odysseus had previously instructed. The False Merchant claims that Odysseus and Diomedes solemnly swore (διώμοτοι) to bring Philoctetes back to Troy *by persuasion or by brute force* and that all the Achaeans heard Odysseus saying this clearly (592–6). Odysseus thought he could take Philoctetes as a willing accessory (617), but that if Philoctetes refused to come with him, he would take him against his will (618). According to the False Merchant, he added a self-imprecation, saying that, if he failed, he would allow anyone who desired it to cut off his head (618–21). This self-imprecation is not an oath since the punishment invited is human and not divine, but it is nevertheless interesting to compare *Od.* 16.99–104, where Odysseus makes a similar, though more serious, self-imprecation, which does count as an oath. Disguised as the Cretan he states that his head should be cut from his shoulders (by an unspecified power) if he does not become a plague on the suitors. That is a moment in which Odysseus unwittingly betrays his true identity and lets the disguise as the Cretan slip. Did Sophocles have this passage in mind?[68] Is the False Merchant reporting Odysseus' true sentiments and expressions, or is this another deceptive fabrication? According to the False Merchant's account of Helenus' prophecy, this stated only that Philoctetes should be *persuaded by speech* to come to Troy (*Phil.* 612).[69]

67 Heath 1999, 147 points to a different but connected challenge to the consistency of Odysseus' characterization in this play when he demonstrates that the language Odysseus uses undermines his moral position, thus diluting the nature of Odysseus' skills of persuasion.

68 Segal 1972, 169 compares the two passages, suggesting that "[b]oth situations are of great emotional agitation and dramatic power".

69 Cf. Winnington-Ingram 1980, 280 "What *did* the prophet say?", and 292 "the 'Merchant' tells lies", but "the lines sound like a genuine prophecy and stick in the mind....It is preposterous to suppose that it is not authentic, being confirmed by Heracles".

If the prophecy stated that Philoctetes should be persuaded, then why do Odysseus and Diomedes allegedly swear an oath to take him by persuasion *or by force*? Did Odysseus really think he could take Philoctetes as a willing accessory? More significantly, why does Odysseus, at the beginning of the play, propose deceit as the only option, adamantly rejecting persuasion and force as means to get Philoctetes back to Troy, if these were the very strategies he had sworn to implement? There are no easy answers to these questions, but it is quite possible, indeed probable, that we should understand the False Merchant to be lying about the oaths sworn by Odysseus in order to throw Philoctetes off the scent of deceit. It would be strange for Odysseus and Diomedes to swear an oath that did not conform to the specific terms of the prophecy. We saw in our discussion above how Lichas probably lied about an oath sworn by Heracles in *Women of Trachis*. At the same time, it is also possible that Odysseus fears the deceit has failed and sends the False Merchant to plant new suggestions for Neoptolemus to pursue his original intentions of overcoming Philoctetes by force or by open persuasion. The message essentially becomes to subdue him by *any* means. In the end, Neoptolemus will come clean about the deception (*Phil.* 896–926) and will try unsuccessfully to persuade Philoctetes to come to Troy, ultimately agreeing to take him home instead (1222–1407). It will take the appearance of Heracles and a divine command to change Philoctetes' mind about going to Troy (1409–51), but one thing we can say for sure about the False Merchant speech is that it raises questions about oaths and reported oaths. What was sworn and by whom? Was there an oath at all, or is the report of one merely a fabrication? Moreover, the speech as a whole is purposely designed to add an additional layer of ambiguity to events.[70]

Oliver Taplin observed that this "is a play of relationships and communication, not of great deeds",[71] and it is in the context of communication and the developing relationship between Philoctetes and Neoptolemus that we should understand the "Sophoclean" oath in this tragedy, namely the presentation of an unsworn pledge as an oath. Philoctetes, convinced that Neoptolemus is his friend and an enemy of Odysseus and the Atreidae, believes early on in their exchange that Neoptolemus is offering to bring him home, since he agrees to take him on his ship (*Phil.* 527) and has said he is sailing for Scyros (381). Neoptolemus prays ambiguously that their voyage may be prosperous and rapid to wherever god thinks right and their mission lies (779–81), but before they can leave, Philoctetes

70 Easterling 1983, 218 neatly summarizes the various ambiguities of characters' motivations in this play.

71 Taplin 1971, 26. For Podlecki 1966, 233, the play is "a case study in the failure of communication".

is overcome by a fit of pain. Afraid that Neoptolemus will leave him on the island, Philoctetes asks for his word that he will remain. "I do not think it worthy to put you under oath", he says (811); "give me your hand as a pledge" (813). By specifically not requesting an oath in spite of his vulnerable position, Philoctetes demonstrates that he trusts Neoptolemus. Simon Goldhill discusses the intricacies of this scene.[72] He notes that the particles μήν and γε indicate that Philoctetes would prefer an oath but feels it is inappropriate to ask. Goldhill also draws attention to the process of Neoptolemus' change of heart, marked by the word πάλαι "long since", which "invites an audience to think back over time and re-play Neoptolemus' reactions".[73]

Scholars have noted that the hand-clasp between Neoptolemus and Philoctetes, a symbol of trust and friendship, comes at the very moment when Philoctetes is most deceived.[74] Goldhill observes how the dialogue in the play then "immediately collapses into a broken pattern of half and third lines, and incoherent miscomprehension and demand (814–18)".[75] Shortly thereafter, Neoptolemus decides he is acting against his nature by deceiving Philoctetes and decides to come clean (897ff.) The oathless pledge requested by Philoctetes, and Philoctetes trusting Neoptolemus with his bow, are actions that must weigh on Neoptolemus' conscience in the process of his decision to reject deception. Once the truth has been revealed, and Neoptolemus refuses to restore his bow, Philoctetes is enraged. He appeals to the wilderness around him lamenting his treatment at the hands of the son of Achilles who "swore" (ὀμόσας) to bring him home (941) and offered his right hand as pledge (942). It is remarkable that Philoctetes charges Neoptolemus with having *sworn* the pledge when the absence of an oath was underlined, just 130 lines previously.[76] It is also noteworthy that Neoptolemus does not defend himself against this unfounded accusation.

The language of oaths has been manipulated in this sequence in order to underline Philoctetes' retrospective reconfiguration of his relationship with Neoptolemus. Now that Philoctetes has realized Neoptolemus is his enemy, he treats the oathless pledge he received from a friend as the sworn statement he would

72 Goldhill 2012, 68–71.

73 Goldhill 2012, 69.

74 Segal 1981, 332, Kaimio 1988, 31, Goldhill 2012, 69, cf. Taplin 1971, 33–4 and Kosak 1999, 119–20.

75 Goldhill 2012, 69.

76 Oddly, Segal 1981, 348 misses this, when he refers to Neoptolemus' oath to return Philoctetes to Malis. In fact, Neoptoelmus has made no such oath, nor had he stated that he would bring Philoctetes to Malis.

have exacted from an enemy.[77] Neoptolemus' silence on the issue demonstrates his tacit acknowledgement of the implications of Philoctetes' claim. Moreover, as Neoptolemus tries desperately to regain Philoctetes' trust, he does so by using oaths. He offers Philoctetes back his bow and swears "by the highest reverence of holy Zeus" (ἀπώμοσ᾽ ἀγνοῦ Ζηνὸς ὕψιστον σέβας) that Philoctetes is not being tricked again (*Phil.* 1289). At this point of exchange Odysseus also offers an oath of his own, calling the gods to witness (ὡς θεοὶ ξυνίστορες) that he forbids the handing over of the bow (1293), but the oath is meaningless since it is attached to the performative utterance of forbidding which is made true by the very fact of being uttered. It demonstrates Odysseus' loss of control over manipulative speech. Neoptolemus again swears by Zeus guarantor of oaths (Zeus Horkios) that Philoctetes will only be released from his affliction by going to Troy with his bow and joining Neoptolemus in capturing the city (1324–35). Philoctetes remains unmoved, however, and repeats his reproach that Neoptolemus had sworn a pact with him (μοι ξυνώμοσας) to bring him home (1367–8). Once more, Neoptolemus does not object, but rather urges Philoctetes to trust in the gods and in his words, and stresses that he is Philoctetes' friend (1373–5, cf. 1383, 1385). Although Neoptolemus fails to persuade Philoctetes to go to Troy, it is clear that he eventually convinces Philoctetes that he really is his friend. In the final reference to the agreement, Philoctetes asks Neoptolemus to do what he had *agreed* (ἃ δ᾽ᾔνεσας) when he clasped his right hand (1398). This redresses the anomaly of his previous references to the pledge as an oath, and demonstrates that he now considers Neoptolemus a friend once more.

The use of oath-language in this play runs parallel to the theme of friendship vs. enmity. Recalling the pledge as an oath coincides with Philoctetes' discovery that Neoptolemus has been acting as his enemy. It is partly then through actual oaths that Neoptolemus persuades his enemy to trust him once again. The manipulation of oath-language also goes hand in hand with this play's manipulation of expectation regarding Odysseus and Neoptolemus. Although it sets up a

77 Fletcher 2012, 95 suggests, in relation to this problematic passage, that "oaths can formalize friendship", but the example she gives of Theseus and Perithous simply mentions πίστ᾽ ἀεὶ ξυνθήματα "ever-pledged agreements" (*OC* 1594), and as Fletcher correctly observes (94), a pledge is "different from an oath since it invokes no gods". In some cases *pistis* does refer to a sworn statement, but this is made clear by additional oath-language (e.g. Hdt. 7.145–8, Dem. 29.26, and see further ch. 6, pp. 165–7). Plutarch later treats the pledge between Theseus and Peirithous as ἔνορκον 'sworn' (*Thes.* 30), but Sophocles does not. In *Philoctetes*, the point rather seems to be, as I am arguing, that Philoctetes now treats the pledge as sworn because he has come to see Neoptolemus as an *enemy*. On the importance of the friendship vs. enmity theme in this play, and in Sophocles, see M.W. Blundell 1989, 184–225 and *passim*.

very clear contrast between the two, the contrast becomes confused and is complicated by the fact that Odysseus is eager to use force against Philoctetes once Neoptolemus has possession of his bow, and that Neoptolemus proves himself skilled in deceptive persuasion although he is ultimately unwilling to go through with the deception. Indeed his only real means of winning over a hostile man to his side *without* deception is by swearing oaths to convince Philoctetes of the truth of his statements. As Pat Easterling has observed, central to the *Philoctetes* is "the stress given to the power of persuasion",[78] with Heracles ultimately persuading Philoctetes to go to Troy where he will be healed.[79] Podlecki has pointed to the "critical importance…of speech" in the play,[80] an aspect of the tragedy that is intimately connected with the theme of persuasion. Oaths and oath-language are contributing elements to the drama's network of speech and persuasion, and the "Sophoclean" oath focuses audience attention on the shifting dynamics of the relationship between Neoptolemus and Philoctetes.

A similar pattern of language is developed around oaths in *Oedipus at Colonus*, although the relationship between the two characters is very different in this case.[81] Again here, as in *Philoctetes*, it is emphasized that an oath is not required but later the agreement is treated as a sworn statement. Theseus, king of Athens, welcomes Oedipus to Colonus as a suppliant and assures him that he will never betray him. "I will not bind you under oath, as if you were base" says Oedipus (*OC* 650). Theseus replies "You would win nothing more than by my word" (651). It is clear that there is no need for an oath because Oedipus trusts Theseus, and it is notable that Oedipus and Theseus act here as equals in spite of Oedipus' apparent supplicatory status.[82] Theseus is true to his word. When Creon

78 Easterling 1983, 224.

79 Easterling 1983, 223, noting that the Greek *peithomai* encompasses both obedience and persuasion. On the theme of persuasion in *Philoctetes* see also Buxton 1982, 118–31.

80 Podlecki 1996, 246 and *passim*.

81 Markantonatos 2007, 167–93 discusses oath-language in *Oedipus at Colonus* in relation to the fragile nature of Athenian society at the end of the Peloponnesian War. He suggests that Theseus' reliable oaths embody traditional Athenian piety (171), as a "reconciliation thesis constantly advanced in the Sophoclean tragedy" (183), but his discussion makes no clear distinction between oaths, promises and pledges, terms that he uses interchangeably. This is problematic since promises and pledges have no religiously binding force. This slippage in language leads to confusion as, for example, when he claims (175) that Oedipus "places each and every one of the Athenian rulers under oath (1530–1532)". In fact, the passage referenced is simply a command with an imperative and contains no language of oath, promise or pledge.

82 Burian 1974, 409 argued that the dramatic form of the play is "an adaptation of the pattern of suppliant drama"; cf. Fletcher 2012, 118. Wilson 1997, 29–61 discusses how Oedipus is not a true suppliant in this drama since he repeatedly offers benefits to his host.

arrives and forces Antigone and Ismene to come away with him, Theseus comes to the rescue and retrieves them. When he returns, however, Theseus claims to have fulfilled the things which *he had sworn* to Oedipus (1145). Theseus recasts his own oathless promise as a sworn agreement. I suggest that here also, as in *Philoctetes*, an implicit reconfiguration of the relationship between the two characters is occurring. In this case there is no shift between friendship and enmity. Rather, Oedipus' status in relation to Theseus changes over the course of the play from suppliant to equal to more powerful, as some scholars have observed.[83] The shift comes through Oedipus' anticipated posthumous power to bless the land, the reciprocal gift which he has offered Theseus in exchange for his protection (576–82).[84] I argue below that the reference to an unsworn pledge as an oath reflects this new balance of power.

The oath-language develops as Oedipus' death draws near and as he becomes more like a divine figure. To Oedipus as a fellow mortal, and a pitiable one at that, it would be unusual for Theseus to offer an oath. As the play progresses, however, reference is repeatedly made to the anticipated power of Oedipus' posthumous presence to bless Athens and Attica through his death. The prophecy has already been revealed in the opening scene (88–95) where Oedipus referred to himself as "this wretched phantom of the man Oedipus" (109–10), on the cusp of death. Easterling notes Oedipus' prediction that his cold corpse will drink the hot blood of the Thebans when they invade the land (621–2),[85] an image which aligns him with the Erinyes.[86] It is in this context of Oedipus' gradual transformation into a

83 E.g. Taplin 1971, 36, Kaimio 1988, 27, cf. Knox 1964, 161 who notes that Theseus "recognizes [Oedipus] as a true prophet".

84 Scholars disagree over whether there is an apotheosis of Oedipus at the end of the play. Markantonatos 2002, 134 and 137 refers to apotheosis, and Fletcher 2012, 121–2 also speaks of apotheosis, but others stress the vague and enigmatic nature of Oedipus' death as a burial in the earth, e.g. Buxton 1982, 144, Easterling 2006, 138. Calame 1998, 345 argues that Oedipus' fate shares features of both an apotheosis and a burial, and cf. Kamerbeek 1984 *ad* 1653–5 who points out that Theseus salutes both Chthonian and Olympian powers at Oedipus' disappearance, also referenced by Bernard 2001, 156–7. At the very least, the final scenes are "suggestive of a miracle" (Easterling 2006, 140).

85 Easterling 2006, 138. Knox 1964, 153 comments that these lines stem "from the growth of some new force and knowledge within himself", and that Oedipus' anger towards Polyneices is "superhuman" (160). Cf. Segal 1981, 375 "Oedipus becomes increasingly sure of his power and his destiny during the middle portion of the play". Knox 1964, 149 observes that Oedipus' humility as a beggar vanishes very early in the play when he refuses to move (*OC* 45).

86 Numerous scholars have noted the parallels between the polluted avenging Oedipus becoming a benefit to Athens and the transformation of the Furies into Eumenides who will bless Athens at the end of Aeschylus' *Oresteia*, and at whose sacred grove the action of *Oedipus at Colonus*

divine force that the agreement becomes retrospectively reconfigured as an oath. The oath reference thus helps to confirm the transition of Oedipus from pitiable mortal wretch to powerful divine force.

In *Women of Trachis*, the imminent apotheosis of Heracles is underlined with oath-language, when Heracles asks his son to swear an oath invoking the "head of Zeus" in a formula otherwise restricted to oaths uttered by divinities.[87] Hyllus ultimately invokes Zeus, but does not use the formula suggested by his soon-to-be-divine father. In *Oedipus at Colonus* oath-language is also manipulated (though in a different way) to underline Oedipus' transformation into a godlike power. The end of the drama emphasizes this transformation as the thunder and storm of Zeus are heard (1460, 1500–4, 1514–15). Antigone treats Oedipus as a prophet (1428: ἐθέσπισεν), as does Theseus (1516–17: πολλὰ γάρ σε θεσπίζονθ' ὁρῶ), and Oedipus himself acts like a *deus ex machina* in prescribing the future (1518–55) with the opening phrase "I will explain", or more literally "I will teach" (ἐγὼ διδάξω).[88] Oedipus asks Theseus not to reveal to any human being where his burial place is (*OC* 1522–3). Later, we are told by the Messenger that Oedipus asks Theseus to give the pledge of a handclasp to his daughters promising not to betray them (1631–2). The manuscripts read ὦ φίλον κάρα, | δός μοι χερὸς σῆς πίστιν ἀρχαίαν τέκνοις "O dear friend, give the time-honoured pledge of your hand to my children". Jebb follows the emendation ὁρκίαν "oath" (Papageorgiou), i.e. "oath-pledge", for ἀρχαίαν "time-honoured", but it is unlikely that Oedipus should ask Theseus for an oath when his word had sufficed earlier in the play, and it was made clear that to ask for an oath would have been an insult. Theseus has already proven that he will be true to his word, and is here referred to by Oedipus as a dear friend, all factors which suggest that Oedipus did not request an oath. Indeed the emendation probably suggested itself from the subsequent report, a few lines later, that Theseus *agreed on oath* to accomplish these things for his guest-friend (1637: κατήινεσεν τάδ' ὅρκιος δράσειν ξένῳ).

takes place. See e.g. Méautis 1940, 41–2, Winnington-Ingram 1980, 215–16, 266–9, Segal 1981, 375–6, Seaford 1994, 132–4, Edmunds 1996, 138–42, Tilg 2004, 407–15, Kelly 2009, 71–5, Fletcher 2012, 120.

87 Torrance 2009, 4 and *passim*.

88 See further Easterling 2006 on the accumulation of portents and signs of divine intervention from this point until the end of the play. Parker 1999, 12 observes that the signs "create just as palpable a sense of divine presence as if a god had appeared on stage." See also Budelmann 2000, 42–5 on the kind of manipulation of language that helps to develop our understanding of Oedipus' mysterious posthumous powers. Kelly 2009, 122–3 discusses the development of the teaching theme in relation to Oedipus' latent power over the course of the play, and cf. Easterling 1999, 105 who treats Oedipus' earlier speech at *OC* 607–28 as a "didactic speech".

Lloyd-Jones and Wilson retain ἀρχαίαν "time-honoured", and the manuscript reading mirrors the previous pattern where an oathless pledge is later referred to as a sworn agreement. The report makes it difficult to tell exactly what happened, but it seems that although he is not asked to give an oath Theseus gives one all the same. This confirms the developing imbalance in status between the two men. The divine voice which addresses Oedipus and urges him towards his fate (*OC* 1627–8) is marked by an unusually polite register for a divine power addressing a mortal, denoting Oedipus' special status.[89] It is in a similar vein, then, that Theseus offers an oath in recognition of their unequal relationship. Theseus is referred to as a "noble man" (1636: ἀνὴρ γενναῖος) in making the "promise on oath", implicitly drawing a contrast between the mortal man and the divine force of Oedipus. Ultimately, Theseus' oath serves an additional dramatic function as he is able to defer to it in order to prevent Oedipus' daughters from seeing the location of their father's burial place when he states that Horkos (Oath personified), the servant of Zeus, heard his agreement (1767). The complex development of oath-language between Oedipus and Theseus thus reflects the changing nature of the relationship between the two figures, and demonstrates Theseus' conscious awareness of that relationship.

Oath-language in *Antigone* clusters around Creon. He swears the first oath of the play, and it is an oath which marks the position he will maintain throughout the drama. He calls "Zeus who sees all things ever" to witness that he would never be silent if he saw ruin coming upon his citizens, nor would he make a friend out of the enemy of his land (*Ant.* 184–8). This oath determines the fact that Creon will be unwavering in his decision to leave Polyneices, whom he counts as an enemy, unburied, and anticipates that he will also regard Antigone as an enemy for attempting to bury him. When the guards discover that the corpse has been covered with dust, they suspect that one of their number has committed the deed (259–63), but they were all ready to hold red-hot iron in their hands and go through fire and swear by the gods that they had neither committed the deed nor knew who had planned or executed it (*Ant.* 264–7). So they were none the wiser concerning the identity of the transgressor, and drew lots to determine who would bring Creon the news, this falling to the Guard (268–77). Creon is enraged by the report and swears a second oath (ὅρκιος δέ σοι λέγω), also invoking Zeus, telling the Guard that if he does not find the perpetrator of the burial rite and bring him before Creon, all the guards will be hung up alive (304–12). The oath again marks Creon's implacability. Similarly the last oath of the play is sworn by

89 See M. Lloyd 2006, 225–8; cf. Knox 1964, 161, and Parker 1999, 12 who remarks that the divine voice "ennobles Oedipus by associating him with itself in a first person plural".

Creon as a threat against his son, where he swears by Olympus[90] that Haemon will not continue to insult him with impunity (758–9). The oath formula used in this case is the Doric or Arcadian οὐ + accusative, not normally used in Attic. In tragedy the formula is found only in Sophocles and normally in lyrics (cf. *OT* 660–1, 1088, *El.* 1063–5). Creon's oath is the only example of this formula used in iambics, which may reflect the extremity of his anger.[91]

Creon is the only character to swear oaths in *Antigone*. The guards were reportedly "ready" to swear (*Ant.* 264), but there is no evidence that they actually did so. Moreover Creon does not "interweave the laws of the land with the sworn justice of the gods" as should the man of civic excellence described by the chorus in the Ode to Man (368–70).[92] Teiresias will later name Creon as the cause of the city's disease (1015), urging him to bury Polyneices, while Creon will respond that Polyneices will *not* be buried, not even if the eagles of Zeus carry his body aloft to their master (1039–44). As Fletcher remarks, this "outrageous impiety casts a shadow on Creon's attempts to guarantee his power in the name of Zeus",[93] whom he invokes in two out of his three oaths. Creon ignores the sworn justice of the gods and suffers great grief as a consequence. Oaths function to underline Creon's extremism throughout the play.

It is in the context of catching the perpetrator of the burial act that the "Sophoclean" oath occurs in this play. The Guard returns having caught Antigone in the act and addresses Creon with the opening words "Lord, as far as mortals are concerned, nothing can be denied on oath" (*Ant.* 388: ἄναξ, βροτοῖσιν οὐδέν ἐστ' ἀπώμοτον). There is a gnomic sentiment in this expression, but there is also a very specific context here. The Guard explains that he hardly thought he would have returned because he feared Creon's (sworn) threats, but he has come nevertheless (389–94), he says, "although I solemnly denied through oaths that I

90 Literally "this Olympus" (τὸνδ' Ὄλυμπον) at 758, i.e. "by Heaven" (see Griffith 1999 *ad* 758–9), *pace* Fletcher 2012, 109 who renders 'the "Olympi[a]n" (i.e. Zeus)'.

91 So Sommerstein, Bayliss and Torrance (2007) in the remarks for this entry (#1978). Sourvinou-Inwood 1989 argued in an influential article that the Athenians would have sympathized with Creon, and not with Antigone, making the case that Creon is not presented as a despotic tyrant. However, Harris 2004 has demonstrated persuasively that, for the Athenians, the written laws of the *polis* were designed to *support* rather than oppose the unwritten laws of the gods, so that Creon's order would not have had the force of law, and the sympathies of the Athenians must have been mostly with Antigone.

92 Cf. Segal 1981, 169 "Creon's *dike*...becomes...increasingly distant from the "oath-bound justice of the gods" praised in the Ode on Man (369)."

93 Fletcher 2012, 110. Segal 1981, 174–5 also comments on the "staggering hybris" of this sentiment, although he mistakenly refers to Creon's threat to punish Antigone at *Ant.* 486–7 as an oath.

would" (394: δι᾽ ὅρκων καίπερ ὢν ἀπώμοτος). The Guard had earlier claimed that he would never come back to the palace of Creon, whether or not the criminal was found (327–9), but he never swore this on oath. Why is it then, that just 65 lines later, the Guard treats his earlier unsworn statement as an oath he has broken, effectively casting himself as a perjurer? This is a remarkable "Sophoclean" oath. Hirzel implied that we are to imagine that the Guard had sworn the oath, but this is hardly satisfactory.[94] Mikalson similarly argues that "the guard had sworn, surely to himself", making him 'tragedy's one character who swears a false oath and gets off unscathed". But such "casual taking and breaking of the oath" suggested by Mikalson is without parallel in tragedy.[95] Nor would it sit well with the serious development of oath-language surrounding Creon in the play. Fletcher disagrees with Mikalson suggesting that this is "yet another degradation of the authority of *horkos*" in the play.[96] She quite rightly points out that Creon "is … given to using oaths to validate his own power",[97] and that his sworn threat of punishment for the guard is "vicious",[98] but it is not clear that the authority of oaths is "degraded" in *Antigone*. It is not at all unusual for a person to attempt to assert their will through oaths. In Sophocles alone, there are several relevant examples. Heracles uses oaths to force his will upon Hyllus in *Women of Trachis*, as we have seen. Clytaemestra in *Electra* swears that Electra will not escape punishment for her insolence (626–7). In *Philoctetes*, Odysseus swears (fruitlessly) that he forbids Neoptolemus from handing back the bow to Philoctetes (1293).

It is evident that scholars have struggled to make sense of the Guard's use of oath-language, but it is unreasonable to suppose that the audience should imagine characters swearing oaths out of earshot or to themselves, when they have clearly delivered the relevant lines on stage and without an oath. In other cases where a character refers to his own previous and unsworn statement as an oath, the oath-language gives meaning to the character's situation. In *Oedipus at Colonus*, Theseus' reference to an unsworn pledge as an oath coincided with a shift in his status in relation to Oedipus who was on the point of becoming divine, as was argued above. In *Ajax*, as we shall see below, the suggestion of overcoming an oath, an essentially impossible task, implies that Ajax plans to commit suicide in spite of his deceptive speech. One of the main functions of the Guard in *Antigone* is to act as a foil for Creon's actions and behaviour. As Mark Griffith

94 Hirzel 1902, 72–3 n.3.
95 All quotations from Mikalson 1991, 85.
96 Fletcher 2012, 109.
97 Fletcher 2012, 108.
98 Fletcher 2012, 109.

comments, "the Guard's self-protective verbal smoke-screens amount almost to a parody of Kreon's own autocratic mannerisms".[99] The Guard's "Sophoclean" oath in *Antigone* can also be read in this light. It seems to function as a reflection on the character of Creon and his aggressive use of oaths.

Had the Guard actually sworn that he would not return, he would indeed have become a perjurer, but the audience will recognize that the oath-language he uses is a gross exaggeration of his recent statement. Creon, by contrast, has already sworn two oaths expressing extremely obstinate sentiments. He will not need to fulfil his threat against the guards, since the criminal has been found, but Creon's first oath can be read as encapsulating the root of his problem. His absolute determination to regard Polyneices as an enemy of the land, and to deny his burial as a result, causes the pollution on the city which brings with it the gods' displeasure, as Teiresias explains. Creon's oath is part of what causes his downfall. This can be compared with the Guard's use of oath-language. He reports that the guards are ready to swear defensive oaths to prove their innocence, an implicit but marked contrast to Creon's aggressive oaths. The Guard's "Sophoclean" oath will prompt an audience to realize the serious nature of oath-language and of the oath bond. Indeed it comes shortly after the chorus' praise of a man who upholds the laws of the land *and* the sworn justice of the gods (*Ant.* 368–70), a justice which Creon ignores until it is too late. Creon's oaths are thus cast into sharp relief as exceptionally aggressive and unwise in the context of the Guard's observations concerning the inability of mortals to deny anything on oath. Creon's subsequent oath threatening Haemon (758–9) demonstrates that he still has not learned to quell his exploitation of oaths as a language of attack nor recognized the danger of swearing over-zealous oaths.

The situation in *Ajax* is somewhat different, but as with the other Sophoclean plays, paying attention to the exploitation of oath-language reveals that it is used carefully and with dramatic purpose. There are two examples of non-oaths being referred to as oaths in this play. The first comes after Tecmessa has apparently persuaded Ajax against going to the death he had been determined to seek earlier in the play. He begins his deception speech with the following generalization: "All obscure things long and immeasurable time brings forth and hides them again when they have been revealed; nothing is beyond expectation, but dread oath and obstinate minds are conquered" (*Ajax* 646–9). Ajax goes on to explain that he has been softened by Tecmessa's words and that he pities the plight she would have as a widow amongst his enemies and his son as an orphan (650–3).

99 Griffith 1999, 37.

He claims that he will go and bury Hector's sword in the ground (657–60). There is much room for interpretation in Ajax's words throughout his speech, and scholars have debated whether Ajax has actually changed his mind or not, but several persuasive analyses have shown that Ajax deliberately uses ambiguous language to suggest that he will not commit suicide but without actually saying so.[100] Goldhill has also discussed how the "image of a critical observer", developed in the previous scene, "offers a model for the audience in the theater, faced as they will be by Ajax' deception speech".[101] I would further suggest that the mention of "dread oath" (δεινὸς ὅρκος) provides a clue for the critical observers in the audience to expect Ajax's suicide.

The generalization with which Ajax opened his speech stressed the universality of change,[102] and the reference to obstinate minds being conquered creates a transition to his specific situation.[103] Malcolm Heath observes that both the oath and obstinate minds "are things that one might expect to be unchanging", and disagrees with Knox's suggestion that we are meant to think here of the oath of Helen's suitors.[104] Knox argues that the oath has been broken by Ajax's attempted murder of the Atreidae.[105] I agree with Heath that this is unlikely in the context.[106] It is only much later that the oath of Helen's suitors is mentioned (*Ajax* 1113). Moreover Athena's intervention has prevented Ajax from actually perpetrating the crimes so the oath is technically unbroken. However, the reference to "dread oath" easily functions as an example of a "Sophoclean" oath, with Ajax treating his previous determination to find death, although unsworn, as an oath which has now allegedly been conquered along with his obstinate mind.[107] Finglass comments that "Ajax has taken no oath, but his attitude was so determined that it is scarcely an exaggeration to speak in such terms."[108] Certainly this is an exag-

100 Garvie 1998, 185–6 and Hesk 2003, 74–95 give overviews of various scholarly positions. The ambiguity of the language in Ajax' deception speech is stressed by e.g. Heath 1987, 186–7, Garvie 1998, 186, Lardinois 2006, Finglass 2011 *ad* 646–92. Segal 1981, 114 sums up the fact that "he does not utter a word of literal falsehood."

101 Goldhill 2009, 31.

102 Change rather than time is emphasized by the word order, see Heath 1987, 186 and cf. Finglass 2011 *ad* 646–7.

103 Kamerbeek 1953 *ad* 648, 649.

104 Heath 1987, 186.

105 Knox 1979, 138.

106 Cf. also Garvie 1998 *ad* 648–9 "Ajax is thinking of oaths in general, not a specific oath sworn by himself to the sons of Atreus or (1113) to Tyndareos".

107 See Lardinois 2006, 217 on how Ajax's language at *Ajax* 650–1 shows that he applies the generalization of the oath to himself.

108 Finglass 2011 *ad* 648–9.

geration, but it is also a misapplication of ritual language whose function is to raise doubt in the minds of the audience regarding Ajax's true intentions. If he considers his earlier decision to be a dread oath, then he presents his change of mind as a breach of that "oath". It implies that Ajax has not really changed his mind, since tragic characters so infrequently break their oaths. Recasting his earlier determination as a "dread oath" binds Ajax to his original decision, just as other language in the deception speech suggests that Ajax has strengthened his resolve.[109] Tecmessa will later realize that Ajax had not changed his mind (807–8, 891).

The reference to conquering an oath thus functions within the specific context of the play and also on a general gnomic level. The expression recalls Archilochus fr. 122.1,[110] χρημάτων ἄελπτον οὐδέν ἐστιν οὐδ' ἀπώμοτον | οὐδὲ θαυμάσιον "No event is unexpected nor can be declared false on oath nor is miraculous". There Zeus had made day into night (fr. 122.2–3) during the solar eclipse of 648 BC, but as Ajax continues his deception speech, he lists night yielding to day as one of the images describing his "submission" to the Atreidae (*Ajax* 672–3).[111] This weakens the parallel with the Archilochus poem. Theognis too warns in general terms against swearing that something will never happen because humans cannot predict divine intervention (Thgn. 659–60), and Pindar also warns that the power of the gods can easily bring to pass what one would swear impossible (*Olymp.* 13.83–4), [112] but these parallels ultimately stress the "Sophoclean" nature of Ajax's oath reference since there has been no oath sworn.

The second "Sophoclean" oath in *Ajax* occurs when Agamemnon accuses Teucer, saying "You solemnly swore (διωμόσω) that we (i.e. Agamemnon and Menelaus) did not come as generals and admirals of the Achaeans, but that Ajax sailed as his own commander, as you claim" (1233–4). Agamemnon refers to Teucer's argument with Menelaus, where Menelaus had forbidden the burial of Ajax (1089–90). Teucer certainly argued that Ajax sailed as his own commander and that Menelaus has no authority over Ajax's men, reminding Menelaus that

109 Lardinois 2006, 218 discusses the image of Ajax bathing himself in the sea (*Ajax* 654–5) as a metaphor for a heated sword being hardened in cold water.

110 Kamerbeek 1953 *ad* 648, 649.

111 "Submission" because each of the images evoked, winter yielding to summer, night to day, storm to calm, sleep to waking, requires the extinction of the "yielding" element, so that Ajax's plan to take his own life as "submission" before the Atreidae is implicitly suggested. See Heath 1987, 187–8, Finglass 2011 *ad* 646–92.

112 An inverse parallel is Eupolis fr. 234 where a character asks τί δ' ἔστ' Ἀθηναίοισι πρᾶγμ' ἀπώμοτον; "What deed is sworn impossible for Athenians?", a suggestion that there is no deed the Athenians cannot accomplish.

Ajax was as much commander of his own men as Menelaus is over his Spartans (1097–1104). Teucer also reminds him that Ajax embarked on the expedition because of the oaths by which he was solemnly bound, and not for Menelaus' sake (1113–14). So reference to an oath was made, but Teucer never swore what Agamemnon claims he did. Moreover, he never claimed that the Atreidae did not have command over the Greek army. Agamemnon associates Teucer's allegedly slanderous oath with his status as the son of a war captive (1228–31), calling him a slave (*Ajax* 1235) and imagining that he would have been speaking loftily (ὑψήλ') had he been reared by a noble woman (1229). The emptiness of Agamemnon's invective against Teucer is underlined by the fact that we know his allegation concerning the oath to be false. Teucer will rebut the charge of being a low-born barbarian (cf. 1063) by reminding Agamemnon that his mother was, in fact, a princess (1301–2) while Agamemnon's ancestry includes Atreus who served his brother's children to him at a banquet, Atreus' adulterous Cretan wife, and his father the Phrygian barbarian Pelops (1291–8).

In this instance, then, the "Sophoclean" oath-reference is an attempt to abase the character against whom it is alleged. It could not reasonably be sworn on oath that Agamemnon and Menelaus are not generals over the Achaeans, so Agamemnon essentially accuses Teucer of having sworn a falsehood, and of being a perjurer. Since the audience knows this to be a lie, however, the rhetoric only succeeds in revealing the weakness of Agamemnon's argument. The two examples of "Sophoclean" oaths in *Ajax* perform very different functions, but they also create a parallel between the brothers Ajax and Teucer, both of whom are associated with having sworn a "Sophoclean" oath.

The presence of what we have called the "Sophoclean" oath in so many of Sophocles' extant plays, and virtually nowhere else in contemporary Greek literature, demonstrates that Sophocles developed a new and distinctive trope for allowing oaths to contain an ambiguous or riddling quality. Aristophanes' *Frogs*, produced shortly after Sophocles' death, contains one of only two other "Sophoclean" oaths which I have found in subsequent classical Greek literature, the other being a passage in Isocrates where a "Sophoclean" oath is used as a rhetorical ploy.[113] By way of conclusion, I will look at the "Sophoclean" oath

113 In *Panathenaicus* (12.103–4), Isocrates describes how the Spartans had promised (ὑπισχνούμενοι) to liberate Athens' allies if they revolted, and then states that they reduced to slavery those whom they had *sworn* (ὤμοσαν) to set free. The summary of events contains many inaccuracies and it is probable that Sparta's alleged promise to liberate Athens' allies, subequently treated as an oath, is another point of misinformation. It is also likely that the implication of Spartan perjury was a rhetorical technique aimed at criticizing Sparta, since the goal of this work by Isocrates is to glorify Athens by contrasting her past actions with those of Sparta (12.35–41). Even

in Aristophanes, and I will argue that it can be read as a deliberate parody of a recognizable aspect of Sophocles' style, thus lending further justification to the term "Sophoclean" oath.

At the end of the *Frogs*, Euripides urges Dionysus to remember the gods by whom he swore (ὤμοσας) to bring him back to Athens (1469–71). In fact, Dionysus had never sworn to bring Euripides back, although he had expressed a strong desire to do so early in the play (59–70). Euripides could not logically have known this, but the audience might well recall that no oath was used since Dionysus' desire for Euripides was expressed with an emphatic joke about a craving for pea soup. As Matthew Wright has shown, "pea soup" was probably a metaliterary comic metaphor for a boring old joke.[114] Wright also observes that the word for "pea-soup" (ἔτνος) "appears *three times* in this short exchange",[115] marking the joke as particularly pointed. The joke directly precedes Heracles' reference to Sophocles' son Iophon and his suggestion that Dionysus should rather retrieve Sophocles from Hades, since he is a better poet than Euripides (73–9). The absence of Sophocles from *Frogs* has long been noted by scholars. He is referred to only briefly in passages which may well have been added after the original script had been completed (76–82, 786–94, 1515–19), and it seems likely that Sophocles died shortly before *Frogs* was produced forcing Aristophanes somewhat awkwardly to acknowledge his presence in Hades.[116] It is noteworthy, then, that both parts of the "Sophoclean" oath occur within a few lines of two of the passages referencing Sophocles.

The point of this "Sophoclean" oath soon becomes clear. By accusing Dionysus of having sworn to bring him back to Athens, Euripides unwittingly sets himself up to be defeated by one of his own infamous lines. As Dionysus announces his decision to choose Aeschylus, he responds to Euripides, saying "'twas but my tongue that swore" (*Frogs* 1471: ἡ γλῶττ᾽ ὀμώμοκ') in a parody of *Hippolytus* 612 (on which see further § 11.2). Having previously called Euripides "Palamedes" (1451), Dionysus now delivers the verbal blow which destroys Euripides with his own creation, just as his Palamedes had been destroyed through

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the Spartan sympathizer in the epilogue (12.200–70) is shown making incorrect judgments so that "[t]he conclusion points to the error of the sympathizer and the innocent fools he misled" (Gray 1994, 267). In spite of the stereotype of Spartans as perjurers, they were in fact very careful about keeping their oaths, as discussed by Bayliss 2009 and in S&B 212–34, 249–55, 266–79. The "Sophoclean" oath in Isocrates, then, is a rhetorical ploy based on an Athenian stereotype about Spartans.

114 M.E. Wright 2012, 93–7.

115 M.E. Wright 2012, 93, Wright's italics.

116 See Dover 1993, 8–9, Sommerstein 1996, 20 with n.92, and *ad* 71–88.

his own invention (writing) in Euripides' *Palamedes*.[117] Once Aeschylus has been chosen, he hands over the Chair of Tragedy to Sophocles for safe-keeping in the play's final reference to Sophocles. Given the complexity of allusion in this scene, and indeed in *Frogs* more generally, it seems possible, at least, that Aristophanes is parodying the trope of the "Sophoclean" oath in addition to the famous line from *Hippolytus*. The poets of old comedy were capable of developing extraordinarily complex networks of allusion which included elaborate metaphors and quotations from other poets, but also references to and parodies of perceived poetic styles. If we confine ourselves to Aristophanes, we see that the poetry of Theognis is "cold" (*Th.* 138–40, cf. *Ach.* 136–40), the dithyrambs of Cinesias are "airy" (*Birds* 1375–91), the comedy of Cratinus is a flood (*Knights* 526–8), Euripides' poetry is "tangle-fleeced" (fr. 682). The weighing of poetic lines in *Frogs* presents the poetry of Aeschylus as weighty and that of Euripides as lightweight, and, of course, the Euripidean recognition scene is parodied extensively in *Women at the Thesmophoria*.[118] In extant Aristophanes, Aeschylus (mostly thanks to the *Frogs*) and especially Euripides feature more prominently as targets of allusion than does Sophocles, but references to the poetry of Sophocles do occur in Aristophanic comedy,[119] and it has recently been argued that Sophocles' *Oedipus at Colonus* was an important model for Aristophanes' *Wealth*.[120] The Aristophanic parody of a "Sophoclean" oath would thus help to confirm that it was recognized as a distinctive stylistic device.

5.3 "Of cabbages and kings": the *Eideshort* phenomenon

I.C. Torrance

The defining feature of an oath is the invocation of one or more superhuman powers, normally gods or cult-heroes, to witness the oath statement in order to guarantee its validity and to punish the would-be perjurer.[121] It is noteworthy,

117 See Torrance 2013, 142–6.

118 See M.E. Wright 2012 for an insightful discussion of all these issues, esp. 103–40 on parodies and metaphors of style, and 156–62 on the parody of Euripidean style in *Women at the Thesmophoria*. On Euripidean poetry as "tangle-fleeced", see also Torrance 2013, 299–301.

119 Rau (1967) 185–212 lists the following quotations and references to the plays of Sophocles: *Ach.* 27?, 75, *Eq.* 83, 498–500?, 1099, *Nu.* 257, 583, 1154–5, *Av.* 100–1, 275, 851–2, 857, 1240, 1337–9, *Lys.* 139, 450?, *Th.* 21, 870, *Ra.* 357, 664–5, *Ec.* 80–1, *Pl.* 541, 635–6, 806, 1151, *Gerytades* fr. [175 K-A], *Kokalos*, *Holkades* fr. [427 K-A].

120 Compton-Engle (2013).

121 See Ch. 1 in this volume, S&B § 1.1, and cf. Sommerstein 2007a, 2.

then, that a significant group of oaths exists in Greek literature where ostensibly non-divine entities are invoked as sanctifying witnesses. Such entities have normally been referred to in scholarly discussions as sacred oath-objects, sometimes designated by the German term *Eideshorte*.[122] This notion of an *object* clearly stems from the Homeric paradigm of Achilles' oath in *Iliad* 1 (233–46) which invokes only Agamemnon's sceptre, a significant symbol of kingly power (studded with golden nails, 246) yet also an inert and lifeless object as emphasized by Achilles' description of the sceptre never again bearing leaf nor blossoming (234–7). The fact that Achilles flings the sceptre to the ground after swearing his oath, a promissory threat that the day will come when the Achaeans will long for him, has been seen as a gesture of "dramatic confirmation of his oath",[123] and we might well read the gesture alongside several other oaths which are accompanied by contact with the earth.[124] However, Aristotle describes monarchs in the heroic age as swearing oaths with the raising *up* of the sceptre (*Pol.* 1285b12: τοῦ σκήπτρου ἐπανάτασις), a situation illustrated twice in the *Iliad* accompanying an oath by Zeus.[125] This highlights the unusual nature of Achilles' oath by the sceptre alone as oath-object and of the gesture of hurling it to the ground.[126]

Taken as a whole, however, our sources show a remarkably more diverse range of apparently non-divine oath entities than the term "object" suggests, for which reason I have tended to avoid the expression "oath-object" in the discussion which follows. As my title indicates, the line from Lewis Carroll's famous poem *The Walrus and the Carpenter* captures the two extremes of this range with an uncanny precision. On the apparently more bizarre end of the spectrum is a group of comic and iambic oaths invoking cabbages and other plants, while at the more traditional end we find a variety of oaths invoking kings or inanimate symbols of power such as the aforementioned oath of Achilles. Non-divine entities are sometimes added to lists of recognizable deities or invoked in response to oaths by actual gods. Abstract concepts can be treated as oath-witnesses. In other

122 Fletcher 2012, 5, S&B 4 n.3.

123 Kirk 1985 *ad* 245–6; Griffin 1980, 11–12 discusses the gesture as a rejection of the community.

124 *Iliad* 14.272, Bacchylides 5.41–5, 8.19–21, *h.Ap.* 331–9.

125 In *Iliad* 7.408–13 Agamemnon swears an oath by Zeus to Idaeus and raises his sceptre in agreement to allow the Trojans to collect and burn the corpses of their dead. Similarly in *Iliad* 10.321–32 Hector responds to a request from Dolon to raise his sceptre and swear to give him the horses, invoking Zeus as his oath witness.

126 Nagy 1979, 179–80 reads the sceptre as symbolizing the transformation of nature into culture; Kitts 2005, 104 connects the lifelessness of the sceptre to the threat of death against the Achaeans, and also posits that it fulfills the same symbolic function as that of the oath-sacrifice. See further ch. 6, pp. 143–7, on significant gestures in oath-taking.

cases inanimate objects or entities not normally considered divine by the ancient Greeks become appropriate symbols of divinity in alternative comic universes. The presence of non-divine entities in Greek oaths is thus rather complex, and it is not always easy to decide whether a particular oath-witness could be conceived of as divine or not. I will argue that many unusual and apparently non-divine forces invoked in oaths *could*, in fact, be imagined as divine and that, in most cases, even unequivocally non-divine entities could, at the very least, be understood as being imbued with an autonomous power appropriate to the context in which they were invoked.

5.3.1 Recognizable gods, abstract concepts, and non-divine entities

The Athenian ephebic oath includes one of the most impressive lists of oath-witnesses of any recorded Greek oath. These range from Olympian gods, cult heroes, and abstractions to territorial boundaries and common plants. Since it combines non-divine entities with abstract concepts and recognizable gods in its formulation, this oath will provide a useful framework for discussing the nature and function of non-divine oath-guarantors. The oath was one of military service sworn by young Athenian males (ephebes), essentially amounting to a citizenship oath. In summary, the ephebes swore not to bring shame upon their sacred weapons, not to desert the man beside them, to fight for the defence and increased prosperity of the fatherland, to obey those who exercise power reasonably, to obey and defend the laws, and to honour the ancestral religion.[127] Swearers invoked Aglaurus, Hestia, Enyo, Enyalios, Ares, Athena Areia, Zeus, Thallo, Auxo, Hegemone, Heracles, the boundaries of their fatherland, Wheat, Barley, Vines, Olives, and Figs. Andrew Bayliss has shown how the divinities invoked are directly associated with the specific nature of the ephebic oath.[128] The mythical Athenian maiden Aglaurus, the daughter of Erechtheus who voluntarily sacrificed her life to save the city when Athens was under attack, is named first as an inspiration for the young men, and several sources state that the oath was sworn in her sanctuary.[129] The invocation of Hestia, goddess of the hearth, suggests the stability of the homeland. Enyo, Enyalios, Ares, and Athena Areia are all war divinities. Zeus is the most powerful of the gods and the official overseer of oaths. Thallo, Auxo and

127 See S&B § 2.3 for a detailed discussion of the nature and function of the ephebic oath.
128 S&B 16–21.
129 Sourvinou-Inwood 2011, 28 n.14 lists RO 88.5–20, Dem. 19.303, Philoch. *FGrH* 328 F 105, Plut. *Alc.* 15.7–8, and Poll. 8. 105–6 s.v. περίπολοι.

Hegemone are rather obscure female forces. The first two are essentially abstractions, meaning "Sprouting" and "Growth", while the third means "Leader", but there is some evidence that these were recognized as divinities in Athens.[130] Certainly they have an obvious relevance to the ideas of increasing the prosperity of Athens and obeying leadership. Heracles too is an appropriate figure to invoke as an example of heroic male physical prowess for young men of military age. Parker suggests that, since Heracles is the last divinity named in the list, Aglaurus functions "as a feminine influence, in counterpoise to the aggressively masculine ideal set before the ephebes by Heracles."[131] Aglaurus is named by Parker as "an oath goddess for women only",[132] presumably based on Aristophanes' *Women at the Thesmophoria* 533 where a female character (Mica) invokes Aglaurus and the accompanying scholium suggests that this was a gendered oath.[133] However, as Sourvinou-Inwood observes Aglaurus' "involvement with the ephebes was correlative with a role as *kourotrophos*, 'rearer of young *men*/women'."[134] Moreover, the passage from *Women at the Thesmophoria* is our only other example of an oath by Aglaurus from the archaic or classical period, so that the suggestion that she was primarily a deity invoked in women's oaths cannot be demonstrated. Regardless of her gender Aglaurus was the main oath-witness to the ephebic oath.

Before turning to the final non-divine section of the list, we should consider the place of abstract concepts in oath-taking, since any abstraction could be personified and treated as an instant deity in Greek thought.[135] In Plato's *Philebus* the personification of pleasure, Hedone, is invoked indirectly by Philebus in an oath calling to witness "the very goddess" (αὐτὴν τὴν θεόν) whom they are discussing. We see that it is beyond question here that the swearer, Philebus, considers the abstraction to be a divinity since he specifically uses the term "goddess" in suggesting that Hedone is the proper name for Aphrodite (12b1–2), although Socrates is not convinced. In other cases too a divine aspect to the abstraction can be clearly demonstrated, although in each of our following examples the abstraction is qualified with a personal or context-specific criterion. In *Odyssey*

130 See Siewert 1977, 109, S&B 20. Burkert 1985, 251 reads Thallo and Auxo as "protecting powers over adolescents."

131 Parker 2005a, 434. Mikalson 2010, 142 suggests a different reason for the presence of Heracles, namely that he "is relevant both as one who wards off evil and because these young men had, at their Apatouria, each made an offering of wine to him before the cutting of their hair."

132 Parker 2005a, 434.

133 See further Sourvinou-Inwood 2011, 28 with n.12.

134 Sourvinou-Inwood 2011, 29, emphasis added.

135 On personification in Greek religion see Stafford 2000 and collected essays in Stafford and Herrin 2005.

20.339–42, Telemachus swears an oath invoking Zeus and the sufferings of his father (ἄλγεα πατρός), stating that he is not delaying his mother's marriage but urges her to marry whomever she wishes and offers them countless gifts. This oath combines the powerful Olympian Zeus with an abstract divine force.[136] The fact that Telemachus invokes the sufferings of his father at this point in the narrative reminds the listener or reader that Telemachus is aware of his father's experiences and disguised presence. Richard Rutherford finds the oath-statement oddly insincere,[137] but the oath is clearly serious invoking both Zeus and *Algea*, and we should rather read it as a manipulation of oath-language. Telemachus urges his mother to marry "whomever she wishes" (20.341: ᾧ κ' ἐθέλῃ) knowing both that the only husband Penelope desires is Odysseus and that Odysseus is present. So although Telemachus appears to be encouraging Penelope to choose one of the suitors, this is not what he actually says. He is careful also, as Eustathius saw,[138] in using the indefinite enclitic που, meaning effectively "I do not know if this statement is true",[139] when he describes his father as one "who has either perished or wanders somewhere far from Ithaca" (20.340). Finally, Jasper Griffin has shown that Telemachus' use of the μά oath formula in this passage, which occurs only here in the *Odyssey*, is designed to give Telemachus a more heroic posture by recalling Achilles' use of the same formula in the *Iliad* (1.86, 1.234, 23.43).[140] So the oath by Zeus and his father's sufferings amounts to a powerful and mature exploitation of the oath ritual, drawing a dramatic contrast between Telemachus' knowledge, prudence and effective use of language and the witlessness of the suitors who respond to the oath by laughing at Telemachus in a divinely-induced mania.

When the ghost of Miltiades swears an oath "by my battle of Marathon" in Eupolis' *Demes* (fr. 106.1 K-A: οὐ γὰρ μὰ τήν Μαραθῶνι τὴν ἐμὴν μάχην), we have the same pattern we have just seen in the *Odyssey*. An abstraction is personalized for the purpose of the oath.[141] Miltiades' oath states that no one will rejoice at grieving his heart (fr. 106.2 K-A), and invoking the battle of Marathon lends a severity to his threat since those who grieved his heart in that case (the Persians) were thoroughly defeated under his command. Similarly, in Aristotle's *Constitu-*

136 Tearful Sufferings (Ἄλγεα δακρυόεντα) are named among the children of Eris (Strife) in Hesiod's *Theogony* (227), who also engenders Oath (*Thg.* 231).

137 R.B. Rutherford 1992, *ad* 341–2.

138 *Comm. ad Od.* 2.240.

139 Compare the practice of *exōmosia* in Athenian litigation, where witnesses were required to swear that they did not know a particular statement to be true; see S&B 91–100.

140 Griffin 1986, 52. See also §5.1, pp. 81–2.

141 Battles (Μάχαι), like Sufferings, are the children of Eris according to Hesiod (*Thg.* 229).

tion of the Samians (fr. 593.1 Gigon) darkness (*skotos*) is personified,[142] adding a layer of solemnity to an oath through its association with a terrible battle which had taken place in Priene at a place called Oak (Drys) in the time of Bias, one of the Seven Sages. Many Prienians were killed by Milesians and Prienian women are said to swear by the darkness of the Oak (τὸ περὶ Δρῦν σκότος). The death of the men in battle is thus symbolized by the darkness invoked as an oath-curse. A brighter personification occurs in Aristophanes' *Women at the Assembly*, where Praxagora swears "by the approaching day" (νὴ τὴν ἐπιοῦσαν ἡμέραν) that the women are undertaking the great venture of infiltrating the assembly in order to see if they can succeed in taking over the city and in doing some good (105–8). The oath formula is unique and it stresses the contextual significance of the following day in implementing the plan.[143] Our final two examples are abstract nouns. Philia, "Love" or "Friendship" is invoked in Xenophon's *Cyropaedia*. Once more, the force is qualified by a significant personal criterion. The royal couple from Susa, Abradatas and Pantheia, have been reunited in the camp of Cyrus when Pantheia swears to her husband by their mutual *philia* (6.4.6. ἐπομνύω σοι τὴν ἐμὴν καὶ σὴν φιλίαν) that she would rather die with him proven noble than live with him disgraced. Lastly, cowardice (*deilia*) is personified in a fragment of Sophocles' *Atreus* (fr. 140) where a character swears by the cowardice that feeds a certain man who is feminine, but has male enemies (μὰ τὴν ἐκείνου δειλίαν, ᾗ | βόσκεται, θῆλυς μὲν αὐτός, ἄρσενας δ'ἐχθροὺς ἔχων). Unfortunately we have no firm context for the fragment, but it is likely that the tragedy dealt with the quarrel between Atreus and Thyestes, and it is tempting to see the speaker as Atreus enraged by the discovery that his brother Thyestes has had sexual relations with his wife. The cowardice and effeminacy associated with Thyestes would reflect the qualities which Aeschylus attributed to Thyestes' only surviving son Aegisthus in *Agamemnon*, where he has committed adultery with the wife of his cousin and is called a "strengthless lion" (*Ag.* 1224) and a "woman" (*Ag.* 1625).[144]

These cases show how uncommon divine personifications are made specifically relevant to the swearer through the introduction of non-divine but meaningful qualifications. Telemachus invokes the sufferings of his father, Miltiades names a personal battle-victory, the women of Priene recall a specific battle,

142 *Skotos* is named as father of the Eumenides in Sophocles (*OC* 40).

143 Sommerstein 1998, *ad* 105, notes that the oath is unusual, and that Day (Ἡμέρη) is the daughter of Night in Hesiod (*Thg.* 124).

144 Adulterers were associated with effeminacy in Greek thought. In *Libation Bearers* (304), Orestes says that Argos is subject to 'two women'. Garvie 1989 noted, *ad loc.*, that θῆλυς μὲν αὐτός in S. fr. 140 'may possibly refer to Aegisthus' father Thyestes.' See also S. *El.* 302 where Aegisthus 'makes his battles among women'.

Praxagora calls to witness the particular day on which her plan will be set in motion, Pantheia uses the powerful love-bond she has with her husband as oath-guarantor, and the character in *Atreus* insults an enemy by invoking his cowardice. The degree of personal and contextual qualifications present in oaths by abstractions demonstrates that these are certainly more serious than they might appear at first glance. Indeed I would argue that these are more solemn than general invocations of Zeus by virtue of the swearer's intimate relationship with the personification, since although Zeus is overseer of oaths, his name is used so often in sworn statements (particularly in Old Comedy) that it does not have the subjective force of the abstractions discussed here.[145] Indeed, Zeus can even be invoked by individuals who do not believe in him, from Socrates in *Clouds* (331, 693) to Josephus in *Against Apion* 1.254–5.[146]

We can now turn our attention to the final group of forces invoked in the ephebic oath: the boundaries of the fatherland, Wheat, Barley, Vines, Olives and Figs. It is clear that these are all non-divine entities, but scholars disagree as to how they should be interpreted. Mikalson suggests that they "are invoked, not as gods, but, in this context, as revered objects these young men are obliged to defend and protect."[147] However, this does not really explain their presence as apparent oath-witnesses alongside actual deities. Bayliss proposes a link between the symbolism of these elements as representative of the fruitful earth[148] and the oath-gesture of placing the hand on the ground as a means of invoking the gods of the Underworld (as at *Iliad* 14.272),[149] but the crucial gesture itself is missing from the equation here and there is no obvious connection between the plants mentioned and the divinities who dwell in Hades. I would suggest that the main point to consider is the function of oath-witnesses. These are the forces that will pursue and punish the would-be perjurer, in which case the non-divine entities listed in the ephebic oath constitute a formidable threat. By implication, the ephebe who perjured himself would be excluded from the territory of Athens and would experience crop failure (cf. Ar. *Clouds* 1121–5). Although these elements are not divine, they are imagined as autonomous for the purposes of the oath so that their presence in the list adds a specific rejection from Athenian land and prosperity on the would-be perjurer.

145 Of the 3700+ oath references in Sommerstein, Bayliss and Torrance 2007, 1430 contain invocations of Zeus. The relative weakness of oaths which invoke Zeus alone is discussed in §13.2.
146 Cf. ch. 9, pp. 237–8, on oaths in oratory and rhetoric.
147 Mikalson 2010, 143.
148 Noted by Burkert 1985, 251.
149 S&B 21 and see further §5.1, p. 85.

A humorous parallel presents itself in an oath sworn by Silenus in Euripides' *Cyclops* (262–9). He swears to the Cyclops that he is not selling the Cyclops' property to the strangers. He invokes Poseidon, as Polyphemus' father, great Triton, Nereus, Calypso, Nereus' daughters, the sacred waves and the whole race of fish (μὰ θαίερὰ κύματ' ἰχθύων τε πᾶν γένος). All the named figures in the list are recognizable sea-deities. The waves are called sacred (cf. Aesch. fr. 192.1–2, Eur. *Hipp.* 1206–7), adding an aspect of solemnity to a force that could be considered divine, but is less obviously so than the forces previously named. The fish, however, represent a staple of the Athenian diet in much the same way as does the produce invoked in the ephebic oath. As Fletcher notes, "the whole race of fish" is "a humorous revision of the standard 'all the gods together.'"[150] In this case, the image of Silenus being pursued by the whole race of fish in addition to being battered by the waves and hounded by the sea-deities mentioned has a comic purpose in a satyr-drama which, as a genre, deals with the sufferings of the satyrs. Indeed there is some ambiguity in this scene as to whether or not Silenus is lying under oath, which might provoke an audience to imagine the consequences of his perjury all the more.[151] The Cyclops believes Silenus, although his sons counter his oath with an oath of their own accusing him of lying (*Cyc.* 270–2), and the joke is further developed when it is revealed that this Cyclops cares not a jot for the worship or power of his father Poseidon, or any of the other gods, but worships wealth instead and sacrifices only to his own belly as the greatest of divinities (316–46). The Cyclops in Euripides is thus presented as blasphemous and shameless.[152]

Humorous shamelessness is also the central issue in a scene from Aristophanes' *Knights*, where non-divine entities are invoked in an oath as a direct response to (rather than in addition to) an oath by a recognizable divinity. Paphlagon and the Sausage-seller engage in a contest of shamelessness to determine who is more suitable, as the greater rogue and villain, to be leader of Athens. In a moment of frustration, Paphlagon swears by Poseidon that the Sausage-seller will not surpass him in shamelessness with exclusion from future public speaking specified as punishment for breach of the oath (*Knights* 409–10).

150 Fletcher 2012, 150.

151 Fletcher 2005 argues that Silenus is lying and that he is raped by the Cyclops as punishment (cf. Fletcher 2012, 146–57), but see §10.2 for further discussion.

152 Several scholars have seen specific parallels between Polyphemus' world-view and that of Callicles, a wealthy aristocrat with oligarchic connections (and hostile to the democracy) who features in Plato's *Gorgias*. See e.g. Duchemin 1945, 118, Seaford 1984, 52–5, Kovacs 1994, 56. O'Sullivan 2005 argues that it is tyranny that links the philosophical positions of Callicles and Polyphemus.

It seems that Paphlagon's invocation of Poseidon here is an attempt to take a particularly determined stand. Sommerstein has shown how the Sausage-seller wins an exchange of oaths with Paphlagon shortly before this by substituting Poseidon for Zeus in his determination not to yield (336–9).[153] However, the Sausage-seller wins again in our passage, since the oath-witnesses invoked in his counter-oath once again cap the oath witness of Paphlagon's statement. He swears that he thinks *he* will surpass Paphlagon in the contest (411–13), invoking the knuckles whose blows he has often endured since childhood (τοὺς κονδύλους, οὓς πολλὰ δὴ ᾽πὶ πολλοῖς | ἠνεσχόμην ἐκ παιδίου), and the slashes of butchers' cleavers (μαχαιρίδων τε πληγάς). These non-divine oath witnesses are meaningful to the persona of the Sausage-seller, and the prospect of being subjected to attacks with a butcher's cleaver seems appropriately frightening as an oath guarantee. The Sausage-seller has previously boasted on oath, invoking Hermes, that he is a thief who can steal in front of witnesses and then perjure himself to deny the theft (297–8, cf. 1239), and he reminds us of this shortly after his oath invoking fists and cleavers (418–28). It could be argued that the non-divine oath-witnesses indicate shamelessness in oath-taking by a self-avowed perjurer, but, as Sommerstein shows, there is no evidence in the play that the Sausage-seller actually *is* a perjurer.[154] It is uniquely in his interests to make such a claim as he attempts to prove himself more villainous than Paphlagon. It is perhaps most significant that the Sausage-seller invokes forces germane to his own situation. When he swears on oath that he is a thief, he invokes Hermes, patron of thieves and arch-manipulator of oath-language.[155] When he swears to his belief that he is more shameful than Paphlagon, he invokes blows of which he has long experience and cleavers which are the tools of his trade and which he has in his possession. The knuckles and cleavers are specific to the Sausage-seller in much the same way as the Athenian crops listed in the ephebic oath are specific to Athenian citizens. We should not conclude, then, that the forces invoked by the Sausage-seller are in themselves an indicator of shamelessness. Rather, they conform to the pattern evident throughout this discussion. Non-divine oath witnesses tend to be extremely specific to their contexts.

153 Sommerstein 2007b, 127–8.

154 Sommerstein 2007, 136.

155 On Hermes' powers of manipulating oath-language, see Fletcher 2008.

5.3.2 Alternative "gods"

Crops and cleavers cannot be considered divine in the aforementioned cases. However, there are examples from Old Comedy in which the establishment of alternative world-views enables entities not normally considered divine to take on divine force. For example, in Aristophanes' *Birds* Tereus, in the form of a hoopoe, swears "by earth, by traps, by snares, by nets" (194: μὰ γῆν μὰ παγίδας μά νεφέλας μὰ δίκτυα) that he has never heard a better idea than getting tribute from the gods for allowing the aroma of sacrificial meat to pass through the realm of the birds on its way to Olympus. Earth is a genuine divine power, but the rest are clearly inanimate objects with no ostensible divine connection. For birds, however, nets, traps and snares, like earth, represent danger and potential death,[156] as is spelled out later in the play (525–38). They are, therefore, awe-inspiring symbols. Commentators note that the oath is probably a parody of the metrically equivalent oath "by earth, by springs, by rivers, by streams" (μὰ γῆν μὰ κρήνας μά ποταμοὺς μὰ νάματα).[157] This is a compelling suggestion, but we should also note that earth and snares must represent for the birds the equivalent of dangerous chthonic and underworld powers in human oaths.

There is a disturbing aspect to invoking intrinsically destructive forces in oaths. In Aeschylus' *Agamemnon*, Clytaemestra, after murdering Agamemnon, swears an oath by the Justice accomplished for her daughter, by *Atē*, and by Erinys that she will not be afraid while Aegisthus lights her hearth (1431–6). *Atē*, the divine delusion that leads men to ruin, and Erinys, the avenging Fury, are formidably destructive forces. Indeed this is the only example of the goddess *Atē* (Ruin) being invoked in an oath in archaic and classical Greek literature.[158] Clytaemestra may believe her oath when she swears it, but the negative forces of delusion and vengeance will turn against her in *Libation Bearers* where her dreams frighten her and her son avenges his father's death. In Aeschylus' *Seven against Thebes* (42–8), the attackers against Thebes swear an oath by Ares, Enyo and blood-loving Terror (Phobos) to sack Thebes or die in the attempt. The exclusive appeal to these terrifying divinities, uniquely invoked here together in an oath, similarly seems to foreshadow the doom of the attackers. These oaths, like that of Tereus, are attempts by the swearers to coopt to their side, and against an enemy, forces which could well prove destructive to them. The plan which

156 Cf. Dunbar 1995, *ad* 194.

157 Sommerstein 1991, *ad* 194; Dunbar 1995, *ad* 194. *Birds* also contains a parody of a peace treaty oath at 630–5, on which see Sommerstein 1991, *ad* 631, 632 and Dunbar 1995, *ad* 631, 632.

158 See Sommerstein 2013, 8 for further discussion of this use of *Atē*.

delights Tereus involves tricking (or trapping) the gods into payment of a tribute. In a tragic context the invocation of destructive divine forces can be linked to the destruction of the tragic characters who appeal to them, but comedy can present the gods as ridiculous and suffering defeat and this is precisely what happens in *Birds* where the birds wrest power from the gods.

Oaths by birds are part of the new world system and discussions of oaths by birds feature twice in the play. The first instance occurs when Peisetaerus is attempting to convince the birds to found their own city. He claims that in the olden days humans would not swear by a god, but they all swore by birds, his point being that birds once held power in the universe but had lost it by allowing the gods to usurp their position. He throws in an example naming Lampon, a contemporary diviner (*mantis*), as someone who swears by "goose" when he is being deceitful (*Birds* 520–1). The oath by "goose" (τὸν χῆνα) was a deformation of the common oath by Zeus (τὸν Ζῆνα). In a real-life Athenian context oaths by the goose, like oaths by the dog (τὸν κύνα), are not seriously binding religious oaths, as will be discussed below, but Aristophanes here exploits a known expression for the sake of his comic argument, namely that birds once held religious power. In the second discussion of oaths by birds, Peisetaerus suggests to Poseidon that leaving birds in power will be beneficial to the gods for catching perjurers. So, he claims, when humans have taken oaths by the Raven and by Zeus, the raven will swoop down and peck out the perjurer's eye (1608–13). This is part of Peisetaerus' deceptive offer that the birds should share power with the gods, and he fools dim-witted Poseidon who responds enthusiastically with a ridiculous oath by Poseidon (himself!) exclaiming that this is a marvellous idea (1614). In keeping with "the new divine order"[159] Peisetaerus swears an oath by the kestrels (μὰ τὰς κερχνῆδας) in the final third of the play. He states that he will not check himself from abusing Manes for his slowness (1335–6), and kestrels are appropriate to the context as birds of prey. Oaths by Zeus and other deities continue to be made throughout the play, but the insertion of unusual oaths and discussions of oaths specifically related to birds underlines the novelty of this alternative comic universe.

A similar situation arises in *Clouds*. New gods Air, Aether, Clouds, Chaos and Tongue are recognized by Socrates and later by Strepsiades (264–5, 424). Socrates swears one oath by Breath, Chaos and Air (627–9) while Strepsiades swears one oath by Air (667) and one by Mist (814) after his conversion. Although these forces could be understood as divine by a Greek audience,[160] rejecting the Olympian

159 Dunbar 1995, *ad* 1335–6.

160 Aether is the daughter of Night (*Thg.* 124); Chaos is the great void of Hesiod's primordial

gods in their favour is problematic. In *Women at the Thesmophoria*, for example, the character Euripides first of all swears an oath "by the Aether, the dwelling-place of Zeus" (272), but the Inlaw feels that this is not a serious enough invocation and Euripides then swears "by all the gods, the whole lot!" (274). A line from Euripides' *Melanippe the Wise* (fr. 487), usually attributed to Melanippe, also contains an oath by "sacred Aether, the dwelling of Zeus", which seems to confirm Melanippe's character as someone who questions traditional divine cosmology (e.g. fr. 506), and whose attitude seems to display the influence of new philosophical teachings. The expression is parodied in *Frogs* as "aether, the bedroom (δωμάτιον) of Zeus" (100, 311). In *Clouds* as in *Birds*, it is true that the proponents of the new divine order swear oaths far more frequently by traditional gods than by the new gods,[161] since informal oaths of this kind are an intrinsic part of the language of comedy.[162] Nevertheless, the oaths by the new gods are striking intrusions which mark the revolutionary nature of the new order, and swearing oaths by the new gods seems to be the one lesson that the rather unintelligent Strepsiades comprehends.[163] Indeed, Sommerstein has argued that Strepsiades' dim overall understanding of the *phrontistērion*'s new concepts is underlined by his continued invocations of traditional gods "at a time when he should logically not have been invoking them at all."[164]

It is remarkable that Aristophanes never makes Socrates swear "by the dog", since the Platonic dialogues show this to be an idiosyncratic Socratic expression.[165] Altogether the Platonic corpus contains thirteen examples of Socrates invoking "the dog" in informal oath statements.[166] If invoking "the dog" constituted an instance of impiety, it would surely be inconceivable for Plato to incorporate it, as he does, in Socrates' defence-speech against that very charge (*Apol.* 22a). Patzer argues that Socrates' oath by the dog has a serious religious dimension,

world (*Thg.* 116); Tongue might be linked to the Hesiodic *Logoi* (*Thg.* 229) since both embody the notion of persuasive speech; Air, Clouds and Mist are all natural phenomena which might be associated with Aether and Sky (Ouranos); Breath is a life-giving force. Dillon 1995, 151 n.41 observes that the opening of Pythagoras' *On Nature* as recorded by Diogenes Laertius (8.6) is an oath invoking "the air that I breathe".

161 Socrates in three out of four cases, Strepsiades in twenty-three out of twenty-five cases both before and after his indoctrination; cf. Sommerstein 2007b, 127.

162 On informal oaths in comedy see Dillon 1995, Sommerstein 2007b, and ch. 13 below.

163 Fletcher 2012, 166.

164 Sommerstein 2007b, 127. Fletcher 2012, 172 calls the oath "an irrepressible force" in *Clouds*.

165 Socrates also swears by Hera far more commonly than any other speaker in our sources; see Sommerstein 2008b and Appendix to ch. 13 below.

166 *Apol.* 22a, *Charm.* 172d–e, *Crat.* 411b3–4, *Gorg.* 461a7–b2, 466c3–5, 482b4–6, *Hipp. Maj.* 287e5–6, 298b5–9, *Lys.* 211e6–8, *Phd.* 98e–99a, *Rep.* 399e5, 567d–e, 592a.

both because it occurs in addition to oaths by other gods and because a passage from Plato's *Gorgias* (482b5) identifies the dog as the Egyptian deity Anubis.[167] A fragment from Cratinus' *Cheirons* (fr. 249), however, explicitly contrasts oaths by dog and by goose with oaths by gods, explaining that those who swore by dog and goose were silent concerning the gods (θεοὺς δ' ἐσίγων). This is apparently a reference to the "oath of Rhadamanthys", the famously righteous mythical ruler of Crete, who allegedly forbade all swearing by gods and ordered the substitution of these alternative expressions.[168] Patzer suggests that Socrates' use of both gods and dogs in his oaths demonstrates that the original intention of the Rhadamanthine oath is no longer known or recognized.[169] It does not necessarily follow, however, that Socrates' oaths by dogs have religious solemnity simply because he swears by gods on other occasions. Dillon is surely right in following Dodds who reads the oath by the dog Anubis as a playful allusion without serious religious significance.[170] The harmless expression would be equivalent to the English "By Gum!" as a substitute for "By God!"[171] As we saw above, the oath by goose was attributed to Lampon (appropriately in *Birds*) as an underhanded charlatan, presumably since perjury would only incur, at worst, the wrath of a goose!

The fact that Aristophanes nowhere presents Socrates swearing by the dog, although Socrates is frequently parodied in his comedies for having untraditional and novel views, further points to the conclusion that the oath by dog is not particularly controversial.[172] Indeed Socrates' oath by the dog is rather different from

167 Patzer 2003, 98–9.

168 As reported in the scholia on Pl. *Rep.* 399e and *Phdr.* 228b, where Socrates swears "by the dog"; for a detailed discussion of the legendary role of Rhadamanthys in oaths, see Hirzel 1902, 90–108.

169 Patzer 2003, 98.

170 Dillon 1995, 147 and Dodds 1959 *ad Gorg.* 482b5. Dodds compares the "light-hearted" oath by Zethus at *Gorg.* 489e2. This is the only oath by Zethus in archaic and classical sources, and Socrates invokes him specifically as the very person whom Callicles has just used to speak ironically against him. Still the fact remains that Zethus is a hero and so has an undeniable divine aspect. Patzer 2003, 94, compares the oath by the plane tree in *Phaedrus*, but this is also rather different as discussed below.

171 A small selection of other examples found in (various forms of) English: *crikey, Christmas, crumbs, dash it, gee, golly, gosh, great Scott, heck, holy cow, holy smoke, jeebus, what the deuce*. An American friend of Alan Sommerstein's was fond of *holy Toledo*, and a British one of *Hamlet*.

172 *Pace* Patzer 2003, 102, whose thesis concerning the divinity of the dog leads him to suggest that Aristophanes omits oaths by the dog in *Clouds* in order to characterize Socrates as an atheist. This argument is problematic not least because Socrates is *not* presented as an atheist. Rather he believes in the Cloud-goddesses (who acknowledge the realm of Zeus) and in other natural (divine) phenomena.

the rest of the oaths in our discussion since it is used repeatedly by the same person and does not appear to have any context-specific relevance, though it is possible that the expression marks moments of particular importance in the Platonic dialogues.[173] This contrasts with the only other example of an oath "by the dog", which occurs in Aristophanes' *Wasps*. The expression is used by the slave Sosias in the opening scene (*Wasps* 83). It might seem random at first glance, but since dogs become such an important feature in the drama, with the Athenian politician Cleon represented on stage in a debased state as a dog, the invocation of a dog has (at the very least) a loose thematic significance, comparable to the report of Lampon swearing by the goose in *Birds*. In *Wasps*, the unusual oath by the dog occurs while Sosias is attempting to guess what malady afflicts the master of the house. It turns out that the illness is a compulsion to perform jury-duty and that the man's name is "Cleon-lover" (Philocleon). An early connection is thus created between the image of a dog and the person of Cleon, and is ready to be developed later in the play. Moreover, we know that the comparison between Cleon and a dog had already been made in *Knights* by the Cleon figure himself (Paphlagon, *Knights* 1014–24), and it seems to have been based on an actual self-characterization by Cleon as "the People's watchdog".[174]

5.3.3 Kings, ancestors, and symbols of power or status

From the absurd we return to the serious in our next group of oaths where mortal ancestors and kings are invoked as witnesses. We have seen throughout how difficult it is to posit a complete lack of divine association with many of the unusual oath witnesses invoked. This is also the case here because the Greeks believed the dead to have certain supernatural powers, particularly if they received worship as heroes.[175] In Euripides' *Iphigeneia at Aulis*, Menelaus invokes the mythological kings Pelops and Atreus as shared ancestors in his oath to Agamemnon where he swears that he will tell him clearly what is in his heart (*IA* 473–6). Pelops, who was worshipped at Olympia, is a recognizable quasi-divine force and is also the grandfather of Agamemnon and Menelaus. Their father Atreus is not known to

173 For example: the argument that psychology cannot be reduced to physiology (*Phd.* 98e–99a), that one must not leave a flawed or inconsistent proposition untested (*Hipp. Maj.* 298b, *Gorg.* 482b), or (at the climax of the main discussion of the *Republic*) that the philosopher will be willing to practise politics only in "his own city", meaning the ideal city (*Rep.* 592a).

174 See Sommerstein 1981, *ad* 1017.

175 See e.g. Johnston 1999.

have been worshipped, but he nevertheless functions as an appropriate oath-witness here alongside Pelops at a moment when Menelaus is expressing solidarity with his brother's position (or so he thinks).

More general is Demosthenes' invocation in *On the Crown* (18.208) of the Athenians' ancestors who faced danger at Marathon, those who stood in the battle-line at Plataea, those who fought at Salamis and Artemisium and those who lie in public tombs, meaning those who fell in Athens' other wars. These oath-witnesses are listed as guarantors of his statement that the Athenians cannot have been wrong when they took upon themselves the peril of war for the freedom and salvation of all. Commentators observe the surprising and memorable nature of these oath-witnesses. Usher suggests that "[t]he very ghosts of these past heroes, thus invoked, seem to come to [Demosthenes'] aid."[176] Once again, we see a unique set of forces named for its special connection to the circumstance, here the content of the oath. The issue of the divinity of the war-dead is addressed by Demosthenes himself in his *Funeral Speech* (Dem. 60.33–34), where he argues that one could reasonably consider the war-dead to be sitting beside (*paredroi*) the gods below. Moreover Robert Parker notes that the honours conferred on the war-dead in Athens were "indistinguishable from those of heroes, since no sharp divide separated funerary from heroic cult."[177] It may be noteworthy that the Athenian general Lamachus, who was killed in battle in Sicily, is called a hero in Aristophanes' *Frogs* (1039), and it seems clear that the ancestral war-dead could be understood as having the kind of divine aspect normally required in a sanctifying oath-witness.

Weapons of war feature occasionally in our sources as non-divine oath guarantors. For Parthenopaeus in Aeschylus' *Seven against Thebes*, the invocation of his spear, which he is said to value more than a god and more than his eyes (i.e. his life), signals only his doom, since he does not sack the city of Thebes as he swears to do here (*Seven* 529–32) but rather dies in the attempt. In Euripides' *Phoenician Women* (1677) Antigone names as oath-witness the iron of Polyneices' sword when she swears that her marriage night will make her one of the Danaids (i.e. she will murder her husband) if Creon forces her to marry his son.[178] The oath

176 Usher 1993, *ad* 208, and compare Johnston 1999, vii, on the relationship between the living and the dead: "The living … can expect the dead's cooperation, so long as they keep the dead happy." Yunis 2001, *ad* 208 also notes that the oath is unexpected and unusual, and MacDowell 2009, 392 observes that the oath is "remarkably elaborate" and gives "extraordinary emphasis" to the assertion.

177 Parker 1996, 137.

178 I follow Mastronarde 1994, *ad* 1677, in presuming that Antigone is still bent over the body of Polyneices at this point, and that the expression σίδηρος ὅρκιόν τέ μοι ξίφος is an example

is forceful enough to persuade Creon to relent on this issue. In these two cases the weapon invoked as oath-guarantor is directly related to the context. Parthenopaeus will do battle with his spear and Antigone threatens to commit murder. The contextual relevance of the invocation in Apollo's oath to Hermes in the *Homeric Hymn to Hermes* is a little different but ultimately comparable. Apollo swears by "this cornel-wood javelin" (460: τόδε κρανέϊνον ἀκόντιον) that Hermes will enjoy prosperity among the gods, and that he will never be deceived by Apollo (461–2). This latter part of the oath creates a pointed contrast between Apollo and the deceitful trickster Hermes. Moreover, as noted by Judith Fletcher, it is Apollo who binds himself with the first completed oath in the narrative.[179] Hermes, meanwhile, has been manipulating oath-language to achieve his deceitful aims. He volunteered to swear (using the future tense ὀμοῦμαι) that he was not responsible for stealing Apollo's cattle (although this was untrue) and invoked the head of Zeus as witness, but he carefully uses the verb "promise" (ὑπίσχομαι) rather than swear when he makes the actual statement, thus avoiding perjury (274–6). He had then sworn that he would not pay compensation for the theft (383–5), but without ever admitting that he had stolen the cattle. There is no threat of violence involved in the exchange between Apollo and Hermes so that the unusual oath-witness invoked by Apollo seems linked to the solidity of his sworn statement and to his divine skill as an archer. The term ἀκόντιον is normally translated as "javelin"[180] or "spear"[181]. However, as a diminutive of ἄκων, which *LSJ* describe as a javelin or dart "smaller and lighter than ἔγχος", it seems to refer here to an arrow, particularly since the wood of the cornelian cherry is associated with the bow in Euripides (fr. 785).[182] The demonstrative τόδε "this" also implies that the weapon is in Apollo's possession so that an arrow again seems most likely. The arrow thus represents a particularly personal guarantee from Apollo, while its material substance lends further weight to the oath since the density of the wood from the cornelian cherry tree (*Cornus mas*) was recognized in antiquity as ideal

of hendiadys, so that iron is "not invoked in the abstract, but its malevolent magical qualities.... are suggested."

179 Fletcher 2008, 25.

180 M.L. West 2003, 149, Richardson 2010, *ad* 460, Vergados 2012, *ad* 460.

181 Fletcher 2008, 25.

182 = *Phaethon* fr. 4 Diggle; see Diggle 1970 *ad loc*. Vergados 2012, *ad* 460 states that there is no diminutive sense to the term ἀκόντιον here, and that it refers to the cowherd's staff, but it is entirely unclear how Vergados comes to this conclusion. He cites examples from Herodotus (1.34) and Thucydides (4.32) where ἀκόντια are "javelins" in each case, and a javelin can easily be understood as a lighter (and thus diminutive) version of a spear.

for constructing weapons.[183] To capture the playfulness of the term, however, we might also translate "mini-spear".

Related to such symbols of power are symbols of status in oaths invoking non-divine entities. These too have a specific connection to the swearer or oath content. So in Aristophanes' *Knights*, Paphlagon swears by the *proedria* that Pylos won for him (702) that he will destroy the Sausage-seller. The honour of privileged seating (*proedria*) in the theatre and at other public spectacles had been conferred on Cleon (caricatured here through the figure of Paphlagon) after the victory of Sphacteria in 425 BC.[184] Invoking *proedria* as oath-witness demonstrates how dear such public recognition is to Paphlagon, while the Sausage-seller gleefully looks forward to Paphlagon's loss of status (*Knights* 703–4). More common in our sources, however, are symbols of hospitality and friendship. In a fragment attacking Lycambes, Archilochus accuses him of having forsaken his great oath "by salt and table" (fr.173.2: ἅλας τε καὶ τράπεζαν), ostensibly referring to Lycambes reneging on the marriage arranged between his daughter and Archilochus. This provoked Archilochus' savage invective against the family which allegedly caused their suicide. Renaud Gagné has shown how the oath is of crucial structural and thematic importance to the various fragments dealing with this episode, where the fate of Lycambes' family should be associated directly with the consequences of perjury.[185] There is no doubt that the oath and its breach should be regarded as extremely serious even though no identifiable deities are mentioned as witnessing the oath. Salt and table cannot be seen as divine in themselves, but in these circumstances they must represent the divinely protected ritual of Greek reciprocal friendship (*xenia*). They function to emphasize the shocking nature of Lycambes' treachery since they imply that Archilochus and Lycambes had shared meals together and had cultivated a friendship.[186]

183 Markle 1977, 324.

184 Sommerstein 1981, *ad* 575.

185 Gagné 2009.

186 Aeschines claims (3.224) that Demosthenes caused an outcry in the Assembly by saying that he valued the city's salt above the shared table of hospitality when charged with putting to death a man who had previously been his guest. In another of Aeschines' speeches (2.22) salt and table are simultaneous symbols of hospitality where he mocks Demosthenes' concern with these by alleging that Demosthenes is a foreigner (and so should not be bothered with issues of hospitality at Athens). This suggests that the distinction apparently made by Demosthenes (at 3.224) was shocking, in part at least, because it is rhetorically deceptive. If the city's salt and the table of hospitality are both equally valid symbols of hospitality then claiming to value one above the other is an entirely vacuous proposition. Aeschines continues by alleging further deceptions on Demosthenes' part, namely that he forged letters and tortured individuals on the basis of fictitious charges (3.225).

That the shared experience of feasting or drinking is symbolic of a binding friendship is further evidenced by the oath of sexual abstinence sworn by all the women in Aristophanes' *Lysistrata*. There Lysistrata calls upon the goddess Persuasion and the wine-cup of friendship (κύλιξ φιλοτησία) to receive their sacrifice (203–4), the "sacrifice" being a "slaughtered" wineskin. The appeal to the wine-cup of friendship is clearly meant to create solidarity among the women,[187] although the ritual itself is unrelated to the kind of guest-host friendship implied by the salt and table of Archilochus and the "table of *xenia*" in Homer. The latter is explicitly named as witness in three oaths from the *Odyssey* as part of the trio "Zeus, first among the gods, the table of *xenia*, and the hearth of blameless Odysseus" (Ζεὺς πρῶτα θεῶν ξενίη τε τράπεζα | ἱστίη τ' Ὀδυσῆος ἀμύμονος). The disguised Odysseus twice swears oaths invoking these forces when predicting that Odysseus will return to Ithaca. The first passage (*Od.* 14.151–73) coincides with Odysseus' attempts to receive hospitality from Eumaeus, particularly in the form of clothing, so that the invocation of the table of *xenia* is entirely appropriate to the context. The same oath formula is used later by the disguised Odysseus to encourage the loyal herdsman Philoetius (20.227–34). The similarity in language thus creates a parallel between Odysseus' exchanges with both loyal herdsmen. The final example occurs in book 17. The same oath-witnesses are invoked and the oath-statement relates once more to the predicted return of Odysseus, here said to be already in Ithaca (17.155–9). The speaker is the wandering prophet Theoclymenus who had come back to Ithaca with Telemachus as he returned from searching for news of his father. A minor figure in the *Odyssey*, whose function has been debated, Theoclymenus may well have been introduced from an alternative version of the saga in which Odysseus himself returns to Ithaca with Telemachus disguised as a prophet. This would help to explain why Theoclymenus' situation and speech patterns so closely resemble those of Odysseus.[188] It is the first passage, then, in which the table of *xenia* is most obviously relevant to the immediate context, while its invocation in subsequent passages serves to underline the trustworthiness of the information being relayed.

5.3.4 Cabbages and other plants

Finally we turn to cabbages and other plants: four oaths by cabbages, one by the almond tree, one by a plane tree, and one by the poppy leaf, most of which

187 Cf. Sommerstein 1990, *ad* 203.
188 See further Reece 1994 and Steiner 2010, *ad* 53.

come from comic or iambic fragments. The fragmentary nature of the works in which these oaths feature makes it extremely difficult to analyze their potential thematic relevance, but the fact that a whole group of oaths by cabbages survives implies that these oaths, at least, were probably not context-specific. A fragment from the sixth century iambic poet Ananius (fr. 4) contains a person asserting by the cabbage (ναὶ μὰ τὴν κράμβην) that they love the addressee by far the most of all humankind. The early Sicilian comic poet Epicharmus also has a character swearing an affirmative oath by the cabbage in his drama *Land and Sea* (fr. 22 K-A: ναὶ μὰ τὰν κράμβαν).[189] It is possible, in this case, that an oath by cabbages *was* specifically linked to the subject matter of the drama since the fragments suggest that food was a primary concern.[190] The fact that the earliest instances of this oath are singular may point to it being a comic deformation of ναὶ μὰ τὰν Κόραν "yes by Persephone" (as at Ar. *Wasps* 1438–40). That would suggest that this oath was originally confined to women,[191] and our passages neither prove nor refute this. Such a restriction might have lapsed when the expression migrated to Athens and became plural.

We have no clear context for the passage from Telecleides' *Prytaneis* (fr. 29) which reads ναὶ μὰ τὰς κράμβας "yes by the cabbages" (in the plural). A character's use of exactly the same oath in Eupolis' *Baptai* (fr. 84.2) accompanies a statement that the addressee's suffering is just, and may be related to a caricature of Alcibiades, but this is not certain,[192] nor is there any indication of why cabbages would be an appropriate invocation here other than for the creation of humour. Oaths by cabbages, then, would seem to exemplify a low comic register,[193] without much seriousness or significance attached to them. Unusually, the sanctifying oath witness is entirely consumable and that the severest punishment one might expect for committing perjury would be a comically appropriate stomach-ache!

Eupolis' *Baptai* also contains an oath by the almond tree, where a character swears to another "you'll be the death of me, yes by the almond tree" (*Baptai* fr.

189 In fact, all the oaths by cabbage or cabbages in the plural are affirmative and follow the same formula.

190 Cf. Rusten et al. 2011, 63. The fragments mention porridge (fr. 20), vines (fr. 21), flat-cake (fr. 23), parsnip (fr. 24), sea-fish (fr. 25), gruntfish and whitebait (fr. 26), lobster (fr. 27) and star-gazer fish (fr. 29).

191 On the oath by Kore (Persephone) as a woman's oath see MacDowell 1971 *ad* 1438, and see also §7.1 below for further discussion of gendered oaths.

192 See Storey 2003, 104–5.

193 The cabbage is associated with a low-class character in Hipponax (fr. 104), as observed by M.L. West 1974, 145, where someone invokes the seven-leafed cabbage given to Pandora at the Thargelia.

79 K-A ἀλλ᾽ ἐξαπολεῖς με ναὶ μὰ τὴν ἀμυγδαλῆν). This invocation is unique in our sources, and is certainly to be treated more seriously than the oath by cabbages. *Baptai* probably involved the transfer to Athens of Thracian orgiastic rites associated with the worship of the goddess Kotyto,[194] and the almond tree was sacred to another foreign deity, the Phrygian god of vegetation Attis.[195] We cannot doubt the serious nature of the oath invoking the plane tree in Plato's *Phaedrus* (236e-237a), the very tree at which the dialogue takes place in a location sacred to the Nymphs (230b). Phaedrus swears that he will never again report a speech by any author unless Socrates delivers his speech in the presence of the plane tree, and the oath persuades Socrates to comply. Our final oath by a plant, like our first example, comes from an iambic fragment and also suggests a lack of seriousness. Someone swears "yes yes by the poppy leaf" (*adesp. iamb.* 57 West: ναὶ ναὶ μὰ μήκωνος χλόην). The *Suda*, which cites the expression twice (μ125, ν100), says it is an oath uttered in mockery, and the invocation of the opium poppy certainly corroborates a scenario in which the swearer has lost control of their wits, although once again we are hampered in our understanding of the passage by a lack of context.

5.3.5 Conclusions

Scholars engaging with isolated instances of oaths invoking non-divine entities have returned various verdicts regarding their nature and function. Achilles' oath by the sceptre in the *Iliad* is unanimously treated with seriousness. Socrates' oath by the dog is deemed light-hearted by some, sacred by others. The list of plants in the ephebic oath has caused some confusion. Abstractions have been taken as signs of impiety in Aristophanic comedy. Our analysis of the whole corpus of oaths by non-divine entities has demonstrated a far more regular pattern of use than can be revealed by individual cases. Notwithstanding the fact that some oaths include both non-divine and major divine powers while others contain only invocations of apparently non-divine entities, we find that a divine, or at least serious, aspect can be attributed to the seemingly non-divine forces in an overwhelming number of cases. Moreover unusual oath-witnesses almost invariably function to add solemnity to an oath either because they give it a deeply personal tie to the swearer, or because they are specifically relevant to the context

194 Storey 2003, 98–9, with 99 n.10 who suggests that the Thracian rites would have been known to the Athenian audience from Aeschylus' *Lykourgeia* which may have been re-performed in the early 410s.

195 Paus. 7.17.11, noted by Storey 2003, 99 n.11.

or content of the oath, or because the swearer believes them to be divine. Only two groups of oaths do not properly conform to this pattern: Socrates’ oath by the dog and the oaths by cabbages. The very fact that there are groups of these oaths demonstrates that they are not context-specific. Oaths by cabbages do not seem to be serious, and it is telling that they appear in comedy or invective. Socrates’ oath by the dog, on the other hand, seems to be a formula of “swearing without swearing” so to speak, giving the semblance of the force and emphasis conveyed by the oath but without running the risk of divine punishment for falsehood.

6 Ways to give oaths extra sanctity

I.C. Torrance

There were various ways in which the solemnity of an oath could be increased. The most common include the invocation of one or more particularly appropriate deities to witness the oath, the swearing of an oath in a location of religious significance (such as in a temple, at an altar, or in front of a god's statue), and the performance of an oath-sacrifice. The pouring of libations must also have accompanied oaths frequently since, although there are, relatively speaking, not a large number of references to libations being added to oaths in our sources, one of the commonest Greek words for a sworn treaty or alliance, *spondai*, also means "libations".[1] Interstate treaties were often inscribed on stone and displayed in the vicinity of an important temple, as Andrew Bayliss has discussed.[2] Gestures could also add solemnity to an oath. Raising the hands or a sceptre to heaven, striking the ground, clasping hands and drawing blood all occur in our texts. Rarely an unusual ritual is added as a representation of the oath-curse on the would-be perjurer, such as the burning of wax images or the sinking of lumps of iron in the sea. These function as engineered reminders of the punishments for oath-breaking, and in some cases consequences for perjury are spelled out in human terms. This too was a way of adding solemnity to an oath, and the issue will be touched on briefly here but will be discussed in more detail in §12.2. Some particularly elaborate oaths contain numerous sanctifying features, and we will turn our attention to these in the final section of this chapter.

6.1 Sanctifying witnesses and significant locations

One of the most basic ways of adding solemnity to an oath was to invoke as sanctifying witness a deity, or even a non-divine entity,[3] with a special connection to the context, content, or swearer of the oath. Invoking "Zeus" or "the gods" obviously constitutes a serious oath, but oaths in which Zeus is invoked either with an epithet emphasizing a particular attribute, or in combination with other relevant deities, seem to have held more weight than those in which he is invoked alone. In Demosthenes, speakers often invoke Zeus *and* "all the gods" to add force to

1 See S&B 151, 153, 242–4, and cf. Burkert 1985, 71.

2 S&B 158–60; see also Steiner 1994, 66–7.

3 On the potential of non-divine entities to add to the seriousness of an oath, see §5.3.

important assertions (Dem. 8.49, 10.7, 25, 23.188, 25.13, 35.40, 36.61),[4] and an invocation of all the gods or all the gods and goddesses sometimes concludes a list of more specific oath-witnesses (cf. *Il.* 3.245–301, Eur. *Med.* 735–55, the League of Corinth treaty RO 76, the Hippocratic *Oath*). In interstate oaths, Zeus is commonly invoked along with other important deities,[5] but informal oaths by Zeus alone tend to be weak oaths.[6] Where Zeus has a specific function as patron of a particular cause or institution, an accompanying epithet is normally important. Oaths taken by Athenian men introducing their sons to the phratry, for example, invoked Zeus Phratrios (*IG* ii^2 1237.74–113), and seem to have included touching the altar of Zeus since the issue of Callias' oath to the members of the phratry as he was "grasping the altar" (λαβόμενος τοῦ βωμοῦ) is brought up in Andocides' *On the Mysteries* (126).

An invocation of "the gods" alone constitutes a rather weak oath. The issue is well illustrated by a comparison of the oaths of Jason and Medea in Euripides' *Medea*. Jason swears two oaths during the course of the play, in both cases invoking "the gods" (*daimones*) as sanctifying witnesses. He first calls them to witness that he wishes to help Medea and the children (619–20), and uses essentially the same formula later when he states that Medea is preventing him from burying his children (1408–14). These oaths do not help Jason's cause in any way. The first merely enrages Medea further, while the second yields Jason no support from any source. In fact, Jason is cast throughout the play as an oath-breaker (*Med.* 20–2, 161, 492–5, 1392), and Medea can be read as the avenging spirit meting out his punishment for perjury.[7] Jason's invocations of unspecific *daimones* show that his oaths are weak in comparison with Medea's. The oath-witnesses Medea invokes become more specific as the play progresses and as her position becomes more powerful. Her first oath, reported by the Nurse in the prologue, calls the gods (*theoi*) to witness that she is being mistreated by Jason (22). In the second, Medea invokes Hecate, as the goddess dwelling in the innermost part of

4 In one variation Demosthenes swears an oath invoking Heracles and all the gods, as a measure of added emphasis in claiming that it was men like Aeschines and not like himself who were to blame for the loss of the war to Philip (Dem. 18.294). See ch. 9 for further discussion of oaths in oratory.

5 See S&B 160–7.

6 On informal oaths, see ch. 13.

7 See Burnett 1973, 13, and cf. Fletcher 2012, 181 with n. 6. A. Allan 2007 argues that there was no oath, and thus no perjury, since its terms are never revealed, but Jason never denies that he broke an oath and other scholars have shown that perjury is an issue of central importance in the play. See Burnett 1973, esp. 13–20, Boedeker 1991, Kovacs 1993, Burnett 1998, 196–207, S.R. West 2003, 442–3.

her hearth, whom she claims to choose as her "ally" (395–8). Hecate was normally associated with crossroads and outside spaces. The seemingly paradoxical description of Hecate as dwelling by Medea's hearth "virtually in displacement of Hestia, conveys … a special personal intimacy",[8] and the gods appear to be on Medea's side in this tragedy, in spite of her crimes. In Medea's final oath the nether spirits of vengeance who dwell in Hades are invoked in her statement that she will not leave her children for her enemies to treat shamefully (1059–61). The oath marks the moment of Medea's decision to kill her children, although the specific identity of the "nether spirits of vengeance" (*nerterous alastoras*) has been debated.[9] Is Medea referring to the avenging spirits for Jason's perjury, to avenging spirits for her previous crimes, or to the avenging spirits for her imminent crimes?[10] I would argue that the avenging spirits invoked here by Medea are precisely those associated with Jason's perjury. It is because Jason has broken his oath, abandoning her and the children, that her children can now be treated shamefully by her enemies. Moreover, since she remains convinced that her crimes are necessary and escapes unpunished, it would be strange indeed for her to invoke a spirit of vengeance to pursue her in the name of her victims. Mossman is concerned by the lack of parallels for an *alastor* as a punisher of perjury,[11] but the truce between the Trojans and the Greeks in *Iliad* 3 includes the invocation of "those in the nether world who punish dead men who have sworn false oaths" (*Il.* 3.279–80). There are some textual issues with these lines,[12] but the reference to "nether" powers (*hoi hupenerthe*), which is unproblematic, is similar to Medea's description of the *alastores* as "nether" figures (*nerterous*), so that the concept of a nether spirit as an avenger for perjury is not entirely without parallel. In any case it is clear that Medea's oaths are far more powerful and effective than Jason's and that their strength comes, in part, from her invocations of deities specifically chosen as patrons of her cause.

In several dramas, as in real life, elements of spatial context and location, coupled with the identity of the divinity invoked, can add further solemnity to oaths. Euripides' *Hippolytus* contains two oaths invoking Artemis sworn in the

8 Mastronarde 2002, *ad* 397.

9 The authenticity of the entire speech has also been debated. Lloyd-Jones 1980 argues that 1059–63 may be a fourth-century interpolation, Diggle 1984 deletes 1056–80, Kovacs 1986 deletes 1056–64; cf. also Seidensticker 1990 for further discussion. Among editors, Page 1938, Van Looy 1992, and Mastronarde 2002 retain the oath passage (1059–61). Mossman 2011, 314–32, has a detailed discussion of all the major issues, favouring deletion of 1056–63.

10 See Mossman 2011, *ad* 1059 for a summary of the possibilities.

11 Mossman 2011, *ad* 1059.

12 See Kirk 1985 *ad* 278–9.

presence of her statue. Epithets are important in both oaths. When the chorus of local women swear an oath to keep Phaedra's secret, they swear by "august Artemis, daughter of Zeus" (713) emphasizing both their reverence for the goddess (who is a patron of women) and her connection to the all-powerful Zeus. At the end of the play, however, when the dying Hippolytus gives his father an oath absolving him of guilt for causing his death, he calls to witness "Artemis of the conquering bow" (1451). Here Artemis' special connection to Hippolytus as goddess of the hunt is stressed by her devotee. A statue of Artemis the Archeress was present in the real setting of the divorced wife's oath of denial recorded in the Gortyn code (*IC* iv 72 col. iii, II.5–12). If a divorced wife swore by Artemis in the presence of the statue in the Amyclaean temple that she had not taken property that belonged to her ex-husband, the latter was forbidden to take anything from her. Here, Artemis is again the patron of women, and the fact of taking the oath in the sacred location and in the presence of her statue clearly added enough solemnity to the oath for the judge to adjudicate in the woman's favour.[13] The temple of Artemis, in front of which Euripides' *Iphigeneia among the Taurians* is set, is important too for Iphigeneia's oath. She invokes Artemis in whose temple she holds office (737), emphasizing her personal connection to this goddess. Pylades, by contrast, swears his reciprocal oath by "the lord of heaven, august Zeus" (738). As lord of heaven, Zeus would presumably oversee from above Pylades' safe return to Greece.

The worlds of drama and reality overlap elsewhere. Oaths invoking Dionysus (the god of drama) in plays which were performed at festivals in honour of Dionysus, and so in spaces sacred to him, have the potential to be especially emphatic in a metatheatrical way. Two passages from Aristophanes contain references to the persona of Aristophanes swearing "by Dionysus" that his first production of *Clouds* was an excellent comedy (*Wasps* 1046–7, *Clouds* 518–24).[14] The first *Clouds*, performed at the City Dionysia in 423, had been ranked third and last, and while our extant *Clouds* was never performed, the similarity between the sentiment expressed in *Clouds* 518–24 and *Wasps* 1046–7 (which *was* performed) demonstrates that including such oaths in a comedy was both a legitimate and a particularly emphatic tactic. Naturally enough, holding offices connected with the dramatic festivals also seems to have involved invocations of Dionysus and sanctifying features related to the god. The *choregos*' oath in the deme of Icaria, for example, required the swearer to place a hand on the cult statue of Dionysus

13 On other notable oaths in the Gortyn code, see S&B, 62–7, and on the Gortyn laws more generally, see Gagarin 2008, 145–75, Gagarin 2010.

14 See further ch. 13a on authors swearing in their own person.

(*IG* i³ 254.10–24). Taking office as one of the Gerarai (older women who served as priestesses of Dionysus in Athens) similarly involved an oath taken in the sanctuary of Dionysus, in the presence of his altar, and it also included the touching of the sacrificial victims ([Dem.] 59.78, cf. 59.73).

Swearing an oath in a sacred location, then, was a one clear way of adding solemnity, and there are a very great number of oaths in which a sacred location functions as part of the context. In the case of drama, where plays were often performed in front of a fictional but identifiable sacred space, oaths sworn in these spaces had the potential to be especially serious or emphatic. The statue of Athena, present on stage in Aeschylus' *Eumenides*, in addition to the figure of Athena herself, along with the Areopagus setting, will have strengthened the significance of Orestes' oath of alliance (*Eum.* 287–91, 671, 762–4). In *Ion*, it is noteworthy that Athena is invoked in the only two oaths of that play, although the drama is set at the temple of Apollo in Delphi. Creusa calls "the Gorgon-slayer" to witness that Ion was born after Phoebus lay with her in secret union (*Ion* 1478–87). Later, she swears again by Athena Nike that Apollo is Ion's father (1528–31). The choice of deity and epithets are both important. Athena will soon appear *ex machina*, claiming to have been sent by an embarrassed Apollo (1555–9), who might properly have been expected to tie up the action, so her invocation in these oaths prepares an audience for her arrival. "Gorgon-slayer" is an appropriate epithet for Athena at a moment when Creusa is stressing Ion's identity as her son. She had previously planned to kill him with a drop of Gorgon's blood, unaware that he was her son (998–1019), but rejected the plan as soon as she realized Ion's true identity. The Gorgon's potential to harm seems counteracted by the invocation of the Gorgon-slayer. Similarly the invocation of Athena as "Nike" stresses Creusa's hopes for a victory in being reconciled with her son, and the epithet gains extra-dramatic sanctity from the fact that the temple of Athena Nike was a stone's throw from the theatre.[15]

The oath of alliance between Athens and Argos described in Euripides' *Suppliant Women* is to be recorded on a tripod, which will be displayed at Delphi, and is discussed below (pp. 149–50). It is beyond the scope of the present analysis to explore the potential for additional sanctity of the numerous oaths sworn in a variety of ritual contexts represented or reported on stage,[16] but evidence from

15 The temple is likely to have been completed several years before the production of *Ion*. See Lee 1997, *ad* 457.

16 Other examples from tragedy include the oath of Andromache taken in front of Thetis' shrine (*Andr.* 37–8), the oath of Orestes in the temple of Apollo at Delphi (*IT* 974), Theseus' oath to Adrastus in front of the temple of Demeter at Eleusis (E. *Supp.* 1174–5), Oedipus' oath in the sacred

the orators shows that the sacred space in which an oath was sworn was a significant aspect of the oath and was worth stressing. The prosecutor in Deinarchus' *Against Philocles* argues that Philocles had broken the oath which he had sworn "between the sacred statue (*hedos*) and the table (*trapeza*)" (Dein. 3.2), presumably somewhere on the Acropolis.[17] Euphiletus' brother in Isaeus' *On Behalf of Euphiletus* emphasizes, in relation to Euphiletus' rights as a citizen, that Euphiletus' mother (who his opponents admit is a citizen) had been willing to swear in the sanctuary of Delphinian Apollo that Euphiletus was the son of herself and Hegesippus (Isaeus 12.9). Similarly, it is stressed in Isaeus' *On the Estate of Menecles* that the arbitrators in the dispute swore to adjudicate for the common good of the disputants at the altar of Aphrodite at Cephale (Isaeus 2.31), and that they further compelled both parties to swear at the altar that they would behave in a proper manner towards each other in the future (2.32).

Several sources refer to oaths being taken at the "stone" (*lithos*) in the agora, where a variety of official oaths were administered, such as the oaths of witnesses and arbitrators in litigation (Dem. 54.26, Arist. *Ath. Pol.* 55.5), and the oath of office of the archons (Arist. *Ath. Pol.* 55.5, cf. 7.1). Other important oaths were often sworn in temples and sanctuaries. The *athlothetai*, who were responsible for overseeing the games, swore an oath in the temple at Marathon confirming that they were eligible and were over thirty years old (*IG* i^3 3.6–10). In Plato's Magnesia, where oaths are only used if perjury is unlikely to bring gain to the perjurer (see ch. 15), the rulers were to swear an oath in the temple when they chose judges, stating that the judges they chose would be the men (one from each group of leaders) whom they deemed most likely to decide lawsuits in the best and holiest way (*Laws* 757c-d).[18] The reconciliation oath for citizens sworn in Dicaea ca. 365–359 was taken in three of the most sacred sanctuaries and a copy was set up in the

grove of the Eumenides (S. *OC* 521–3). Various Aristophanic comedies, which contain numerous informal oaths, are set either entirely or in part in locations of ritual importance. *Lysistrata* is set at the Acropolis, *Women at the Thesmophoria* takes place mostly in front of the temple of Demeter Thesmophoros, *Peace* includes the palace of the gods as a location. Ritual paraphernalia are on stage when many oaths are uttered (e.g. *Ach.* 730, *Birds* 860–1, 954–5, *Lys.* 193–4, 206, 207–8, *Peace* 962–3, 978–9, 979–87, 1046, 1096–8, 1117, *Thes.* 72–3, 86). Boegehold 1999, 71–3 makes the interesting suggestion that in some oaths from Aristophanes "a gesture can supply the punishment [the speaker] asks for if he does not fulfill his oath" (72).

17 It is unclear precisely what is meant by *trapeza*. Accompanying comments and notes in Worthington 1992 and in Nouhaud & Dors-Méary 1990 do not discuss the issue. Commonly meaning "table", the term also designated the money-changers' counters in the agora (Pl. *Apol.* 17c), which may be significant here since Philocles has been accused of taking bribes (Dein. 3.2).

18 See also pp. 152–5 below on the oaths of the kings of Atlantis described in Plato's *Critias*, sworn in the temple of Poseidon.

sanctuary of Athena (Voutiras & Sismanides 2007, 255–74). Here repetition of the oath in three different locations seems to be an important element in giving the oath additional solemnity. The oath of the archons was apparently sworn twice, once in the Stoa of the Basileus and once on the Acropolis (*Ath. Pol.* 55.5), and we have one literary example of an oath sworn three times for added effect. This occurs in Aristophanes' *Frogs* (303–6) where Xanthias swears three informal oaths to Dionysus confirming that the terrifying Empusa is gone. Slightly different was the practice of renewing an oath at regular intervals which is recorded in some instances (Thuc. 5.23.4, Pl. *Critias* 119d).

An individual requesting an oath could specify a location in which the oath should be sworn. Protagoras reportedly challenged those who were unwilling to pay his tuition fee to swear an oath in the temple stating how much they believed his teachings were worth (Pl. *Prot.* 328c1–2). Similarly in Aristophanes' *Clouds* (1232–4) the First Creditor challenges Strespsiades to swear, in a location to be chosen by the Creditor, that he does not owe him any money. The Creditor further specifies that the gods Zeus, Hermes and Poseidon be invoked in the oath. A volunteered oath could also be accompanied by a willingness to swear in any location. In the dispute over the inheritance of her children, Diogeiton's daughter is willing to swear, wherever her father should choose, that her husband had given him five talents for safe keeping when he left to serve in the military (Lys. 32.13).

6.2 Oath-sacrifices

Oaths of office, oaths sworn during litigation, and treaties or alliances sworn in times of war were often accompanied by an oath-sacrifice as a way of increasing the binding power of the oath. Oath-sacrifices are associated with the offices of *dikastai* (Arist. *Ath. Pol.* 1.1), archons (Arist. *Ath. Pol.* 55.5), arbitrators and witnesses in legal cases (*ibid.*), those bringing homicide cases to court (Dem. 23.67–8), those responsible for registering new members in a deme (Isaeus 7.28), and men chosen to draw up the register of the Five Thousand (Arist. *Ath. Pol.* 29.5). The altar at which some of these oaths were sworn (e.g. the oaths of archons and of litigants), the *lithos*, was also the location where the sacrifice took place and was cut into pieces (*ta tomia*, Arist. *Ath. Pol.* 55.5).

The discarding of the sacrificial victim is the crucial difference between the oath-sacrifice and normal animal sacrifice. The oath-sacrifice was not consumed since it represented the oath-curse of death or extinction of the family line for

the would-be perjurer.[19] So, when sacrificing the boar in his oath to Achilles at *Iliad* 19, Agamemnon trims the hairs of the animal with a knife (19.252–4, cf. *Il.* 3.273), and slits its throat (19.266), but the boar is then hurled into the sea by Talthybius to feed the fishes (19.267–8). The hair of the animal, which is normally thrown into the sacrificial fire as a first offering, is distributed amongst the princes at *Iliad* 3.274 because there is no fire in Homeric oath-sacrifice.[20] In *Iliad* 3, Priam loads the sacrificed sheep on to his chariot before returning to Troy where he will presumably dispose of them (*Il.* 3.310), possibly by burying them or by burning them.[21] Later texts suggest that burning became the common method of discarding the oath-sacrifice.[22] The type of animal sacrificed varied. An inscription from Ephesus, probably relating to the oath of a witness at trial claiming exemption from testifying (*exōmosia*), also records the sacrifice of a boar (*IEphesos* 1678B.1–5), which is to be provided by the plaintiff, and Pausanias claims that oaths between Heracles and the sons of Neleus as well as the oaths taken by athletes and their families at Olympia included a boar as sacrificial victim.[23] Sheep are sacrificed in the truce between the Greeks and the Trojans in the *Iliad* (3.292) and in the alliance between Athens and Argos described in Euripides' *Suppliants* (1201),[24] a bull is sacrificed in the war pact of the Seven against Thebes (A. *Seven* 42–8) and by the kings of Atlantis (Pl. *Critias* 119e-120a), and the possibility of sacrificing a horse is raised (though rejected) in Aristophanes' *Lysistrata* (191–3).[25] In the peace treaty forged after the battle of Cunaxa a wolf is sacrificed in addition to a bull, a wild boar and a ram (Xen. *Anab.* 2.2.9).[26] What was important was that the sacrificial victims be *teleia* (Andoc. 1.97, [Dem.] 59.60), and *teleia* seems to mean both "unblemished" and "full-grown".[27]

19 Cole 1996, 243 n.16 observes that "sacrifices performed in the phratry of the Demotionidai were accompanied by an oath, but the meat of *other* animals sacrificed was distributed to the phratry" (emphasis added). The relevant inscription is *IG* ii^2 1237, 34–8, 108–13. See also Parker 1983, 283 n.11 on the inedibility of purificatory sacrifices and on the probability that a separate animal was sacrificed for consumption in some cases.

20 Kirk 1985 *ad* 273–4, cf. Edwards 1991, *ad* 19.252–5.

21 See Kirk 1985 *ad* 3.310, who also suggests that Priam takes only the carcasses of the two sheep provided by the Trojans while the Achaeans dispose of the third sheep.

22 *IG* i^3 15d37, Eur. *IA* 59, and Pl. *Critias* 120a all mention burning oath-sacrifices.

23 Pausanias 3.20.9 and 5.24.11, discussed by Karavites 1992, 62–3.

24 See further p. 151 below on these.

25 According to Pausanias (3.20.9) the oath of Helen's suitors included the sacrifice of a horse.

26 The wolf is omitted in one important manuscript but as noted by Parker 2004, 137 n.17 "the addition of the wolf by a scribe has no obvious motive".

27 *LSJ s.v.* τέλειος; see Cole 1996, 231–2 and 244 n.33 on adult victims in oath-sacrifices and

The slaughter of more than one sacrificial victim marked an oath as particularly solemn. A fragmentary inscription dating from the early fourth century records a hecatomb accompanying an oath of office sworn to the *hieromnēmones*, possibly by the secretaries (*CID* I 10.9–15), although we cannot say how many sacrificial victims there were.[28] Three sacrificial victims are recorded in several cases. The truce between the Greeks and the Trojans includes the sacrifice of three sheep (*Il.* 3.103–4) as does the alliance described in Euripides' *Suppliant Women* (1201), and the wolf sacrificed at the battle of Cunaxa may have been a Persian addition to a more usual Greek triad (bull, boar, ram).[29] In relation to the *diōmosiai* oaths sworn during homicide trials, Demosthenes also refers to the sacrifice of a boar, a ram and a bull and gives the details that these must have been slaughtered by the appropriate officers on the appointed days for the requirement of solemnity to have been met (Dem. 23.68).[30] A particular feature of oaths in homicide trials was that the swearer was required to come into contact with the *tomia* "cut pieces". Demosthenes refers to "standing over the *tomia*" (23.68); Antiphon mentions "touching the slaughtered victims" (*sphagia*, 5.12).[31] Stengel's argument that the *tomia* were genitals has been influential.[32] The verb *temnein* can mean "to castrate", and castration would be symbolic of death for the perjurer, as Stengel suggests.[33] However, the identification of *tomia* as genitals seems far from certain.

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cf. Parker 2011, 157. The *arne* sacrificed in the Iliadic truce (*Il.* 3.103, 247) are sheep rather than lambs; see *LSJ s.v.* ἀρήν II, quoting *Iliad* 3.103.

28 The text was previously published as *IG* ii^2 1126.

29 Parker 2004, 137 n.17 observes that the Persians offer wolf's blood to "Areimanios" (i.e. Angra Mainyu, the spirit of evil and destruction) in Plut. *Mor.* 369e.

30 On oaths in homicide trials see further S&B 111–15.

31 The example from Herodotus (6.67–9), in which Demaratus' mother recounts the truth concerning his father's identity with the entrails (*splankhna*) of a sacrificial ox in her hand is not, in fact, an oath, although her story contains the report of one. The passage is erroneously referenced by several scholars (myself included, unfortunately) as an example of an oath taken while holding the entrails of a sacrificial victim (cf. Stengel 1914, 98; Burkert 1983, 36 n.9; Burkert 1985, 252 with 446 n.22; Faraone 1993, 66; *id.* 2005, 149; Berti 2006, 195; Parker 2011, 157 with n.128; Fletcher 2012, 9; Torrance 2012, 310). Demaratus begs his mother by all the gods to tell him the truth after putting the entrails in her hand (Hdt. 6.68), and she proceeds to tell him the truth (Hdt. 6.69), but holding the entrails does not in itself constitute an oath since there is no appeal to a sanctifying witness, and the oath referred to was sworn in the past (κατωμνύμην). See ch. 1 for further discussion of what constitutes an oath and what does not.

32 Stengel 1910, 78–85, and Stengel 1914, followed by Nilsson 1955, 140; Burkert 1983, 36; Sommerstein 1990, *ad* 186; Karavites 1992, 64; Fletcher 2005, 59 and 2008, 38; cf. Carastro 2012, 86 with n.38. Less influential have been Rudhardt 1958, 283–4, who suggested that the *tomia* were entrails, and Casabona 1966, 220–5, 323–6, who took them to be dismembered limbs.

33 Stengel 1910, 82–3.

Stengel admits that the ancients do not explain the nature of the *tomia*,[34] which rather implies that the term retains its straightforward meaning of "cut pieces", no less powerful than castration in representing death for the potential perjurer. Since we know that the sacrifice was not eaten, it is not necessarily the case that the cut pieces were offal. Karavites argues that the phrase *horkia temnein* "to cut oaths", which is a common Homeric expression where the oath-sacrifices embody the oath (which is "cut"),[35] "reflected the ancient practice of standing upon the animal's genitals (*tomia*) or passing through the severed parts".[36] However there is no evidence whatsoever in Homer that the sacrificial victims in oath rituals were cut into pieces.[37] Rather they seem to have been discarded whole (*Il.* 3.310, 19.267–8). More recent scholarship has questioned the assumption that the *tomia* are genitals.[38]

The example from Aristophanes' *Lysistrata* (191), where it is suggested that the women should cut up a white stallion as a *tomion* "cut sacrifice", may well have been a joke relating to the phallus of a stallion. This would suit the comic genre, but the expression (with *tomion* in the singular) is unusual, the suggestion is rejected, and reference to the stallion alone is enough to make a phallus joke.[39] Similarly odd is Lysistrata's earlier request for someone to bring her the *tomia before* an animal is sacrificed over a shield (*Lys.* 185–9). In that case there is no indication that the *tomia* will be genitals and this idea too is abandoned. In fact, it is unclear how important the severed pieces of oath-sacrifices were in classical Athens, outside the homicide court. Aristotle describes the archons as mounting the stone altar (*lithos*) on which the *tomia* have been placed in order to take their oath of office (*Ath. Pol.* 55.5), but otherwise there are few specific references to *tomia*. During *exōmosiai*, the swearers would "take hold of the sacrifice" (Lyc. *Leocr.* 20: λαβόντας τὰ ἱερά), and possibly also during *antōmosiai*, taken at preliminary hearings,[40] but it is not clear whether or not the victims were in

34 Stengel 1910, 78.

35 E.g. *Il.* 2.124; 3.73, 94, 105, 252, 356; 4.155; 19.191; 24.483.

36 Karavites 1992, 64.

37 Cf. Kirk 1985, *ad* 295–301.

38 Faraone 1993, 68 n.37 sees no reason to associate the *tomia* with castration, and is followed by Berti 2006, 194; Cole 1996, 233 is cautious; Parker 2011, 157 n.125 stresses that the exact nature of the *tomia* "is never made explicit and may have varied."

39 Cf. Stengel 1914, 92.

40 Aeschines 1.114 seems to be a reference to such an oath ritual. See comments in Sommerstein, Bayliss and Torrance 2007 no. 2568. On *antōmosiai*, see S&B §5.5.

severed pieces. Faraone suggests that oaths were sworn on *tomia* by those who were believed to be prone to the temptations of cheating and bribery.[41]

Sacrifices performed in wartime oaths sometimes incorporated shields or weapons into the oath ritual. The Oath of Plataea inscription records that it was sworn with shields covering the sacrifices (RO 88.46–7).[42] After the battle of Cunaxa, the Greeks and the Persians perform the sacrifices accompanying their sworn alliance over a shield. The Greeks dipped a sword into the blood, and the Persians dipped in a spear (Xen. *Anab.* 2.2.9).[43] In Aeschylus' *Seven against Thebes* (42–8), the seven war leaders attacking Thebes swear an oath to sack the city or die in the attempt. The oath is sealed with the sacrifice of a bull over a shield and the participants dip their hands in the blood. The latter detail makes the ritual extremely solemn,[44] and it was remarkable enough to be parodied in Aristophanes' *Lysistrata*. Lysistrata calls for a shield to be placed on the ground to receive the oath-sacrifice so that they can swear an oath as in Aeschylus by slaughtering a beast into a shield (*Lys.* 185–9). The "shield" in this case is probably a wine bowl,[45] and the *tomia* requested by Lysistrata never appear because Calonice argues quite reasonably that an oath related to peace (i.e. the women's sex strike) should not be taken over a shield. Lysistrata decides that they should "slaughter" a jar of Thasian wine into a large cup (*Lys.* 195–6). The "sacrificial victim" is then referred to as a "boar" (*Lys.* 202) maintaining the pretence of a real sacrifice, and as Judith Fletcher has observed the oath ritual is unique in that the "sacrificial victim" is meant to be consumed,[46] although it never is (nor could it be because of the dramatic convention of wearing a mask).[47]

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41 Faraone 1993, 78–9.

42 On the oath of Plataea, see further Kozak in S&B §9.2.

43 Herodotus records that the Scythians dipped weapons into a mixture of wine and blood drawn from the swearing parties when taking oaths (4.70). The Lydians and Medians are similarly represented as cutting the skin of their arms and licking the blood when they take oaths (1.74). On the oath rituals of foreigners reported in Greek sources, see further Torrance 2012, 310–12.

44 See Torrance 2007, 48–51 on this oath.

45 Sommerstein 1990, *ad* 184.

46 Fletcher 2012, 231.

47 Burkert 1983, 36, mysteriously states that "They" (i.e. "Those who swear an oath", the subject of the previous sentence) "must eat the meat of the victim as well, or at least the σπλάγχνα". The original (Burkert 1972, 47) reads "wird vom Fleisch gekostet, zumindest von dem σπλάγχνα" ("some of the flesh was tasted, at least some of the entrails"). The passages quoted in the accompanying note (n.9 in both cases) indicate that the sentence should refer to *holding* the victim rather than eating it. Burkert 1985, 252, also refers to the "eating of the *splanchna*" in oath rituals, and the accompanying note (446 n.23) leads circuitously back to Burkert 1983, 36f. It is unclear how this error occurred in Burkert's work.

6.3 Gestures, libations, and unusual sanctifying features

We have seen that coming into contact with the sacrificial victim occurs in particularly solemn oaths. Other gestures of contact could be used to add sanctity to an oath. When Hestia swears her oath of chastity to Zeus in the *Homeric Hymn to Aphrodite*, she is touching his head (27), and when Hera swears an oath to Hypnos in *Iliad* 14, she places one hand on the earth and one on the sea (*Il.* 14.272–3, 278).[48] The very act of placing a hand on the earth can, in itself, represent oath-taking, as in two passages of Bacchylides where the author makes statements in his own person. In these examples, "leaning" (*episképtōn*) a hand on the earth is tantamount to invoking the earth as sanctifying witness (Bacch. 5.41–5, 8.19–21).[49] The concept of placing a hand on an item of symbolic importance while swearing one's oath occurs elsewhere. In order to resolve the dispute over who won the chariot race at Patroclus' funeral games in the *Iliad*, Menelaus requests an oath from Antilochus. He should stand in front of his chariot and horses and swear by the earth-mover and earth-shaker (i.e. Poseidon, the patron of horses, and Antilochus' ancestor) that he did not cheat in the race, and he should take up the horse-whip in his hand and touch the horses while he swears (*Il.* 23.581–5).[50] The oath is declined by Antilochus who offers Menelaus restitution. This suggests that Antilochus *had* cheated and was thus unwilling to swear the solemn oath requested.

A more frequent sanctifying gesture of contact in the *Iliad* is the clasping of a sceptre. Achilles famously strikes the ground with the sceptre by which he swears that the Achaeans will long for him some day (*Il.* 1.233–46). The emphasis on the "dead" nature of the sceptre, which will never again bear leaves nor bloom (*Il.* 1.234–7) is seen by Kitts as associating it with the oath-victim, and she considers the sceptre to be a "perverted symbol".[51] However the sceptre here functions as sanctifying witness to the oath (cf. §5.3), not as sacrificial victim.[52] Moreover, the sceptre is used elsewhere to formalize oaths in the *Iliad* so that there is no

48 On the oaths of the gods, see further §7.3.

49 These passages are discussed by MacLachlan 2007, 92–3; see also §5.1 and ch. 13a. Earth is an important deity in oath-taking. Burkert 1985, 71 observes that she is imagined as drinking the oath libations in truces. See also S&B 242.

50 N.J. Richardson 1993 *ad* 23.582–5 comments that the solemnity of the proposed oath "is indicated by the lengthy and complex prescription, with its various parenthetic and subordinate clauses." For further discussion of this oath see S&B 57–9.

51 Kitts 2005, at 104 and 105.

52 Kirk 1985 *ad* 234–9 comments sensibly that the "oath is made even more impressive by associating the staff with the idea of inevitability: just as it will never sprout leaves again, so will this oath be fulfilled." Cf. Kirk 1990 *ad* 7.412 on the potency of the sceptre in oaths.

reason to see it as a "perverted symbol". It is raised in Agamemnon's oath to Idaeus when he swears that he will not prevent the Trojans from collecting their dead (*Il.* 7.408–13), and in Hector's oath to Dolon concerning the horses of Achilles (*Il.* 10.321–32, 328). Aristotle comments that raising the sceptre was a feature of oath-taking among kings in the heroic age (*Politics* 1285b12). Raising hands to heaven or laying them on the earth could similarly add solemnity to an oath. So the goddess Lachesis raises her hands when she swears to Helios that the island of Rhodes will belong to him (Pindar *Ol.* 7. 64–8), and Gadatas stretches up his hands to the sky as a means of emphasizing his oath to Cyrus that he had not been influenced by Hystaspas (Xen. *Cyr.* 6.1.3). We have already noted that Hera places one hand on the earth in her oath to Hypnos, and Herodotus reports that the Nasamones, a Libyan tribe, touch the graves of the men reputed to have been the most just and good among them and swear by those men (Hdt. 4.172).

A gesture that could accompany interstate oaths was the handclasp, *dexiōsis* (specifically the clasping of right hands), a ritual that is recorded in some depictions as well as in some texts.[53] However, there are relatively few instances of the handclasp accompanying oaths in our sources, and the evidence suggests that *dexiōsis* was essentially an indication of friendship.[54] Since oaths were more often than not sworn between disputing parties, we should not be surprised that *dexiōsis* is mentioned infrequently. The sworn truce between the Greek and the Trojans in *Iliad* 3 is repeatedly referred to as "oaths of *friendship* and faith" (φιλότητα καὶ ὅρκια πιστά: *Il.* 3.73, 94, 256, 323), and Menelaus later discusses how the Trojans have violated the oaths "and the right hands that we trusted" (*Il.* 4.159).[55] Nevertheless, given the detail in which the oath ritual is related in *Iliad* 3, it is odd that the exchange of right hands is not mentioned during the ceremony itself and it is possible that Menelaus adds this gesture to the equation retrospectively in order to stress the betrayal of the Trojans in particularly negative terms. Kirk suggests that the "trustworthy right hands" are perhaps metaphorical, both here and at *Il.* 2.341 (discussed below).[56]

A passage from Sophocles' *Philoctetes* suggests that where there is trust a handclasp suffices *instead of* an oath. So Philoctetes says to Neoptolemus (whom

53 The evidence is gathered and discussed by Bayliss in S&B 156–8, and see also Herman 1987, 37, 50–2, 134, and Cole 1996, 240–1.

54 Herman 1987, 59 notes that oaths (along with feasting) were not a necessary part of concluding a pact of friendship. He also discusses (at 71) how a formal friendship could be dissolved by a duplicitous oath.

55 See further Kitts 2005, 79–84 on the importance of the handclasp in a variety of Iliadic situations.

56 Kirk 1985 *ad* 3.158–9.

he trusts at this point): "I do not think it is right for me to place you under oath, son….Give me your hand as a pledge" (Soph. *Phil.* 811–13). Although the pledge is retrospectively treated by Philoctetes as the oath he would have demanded from an enemy when he discovers that Neoptolemus is, in fact, deceiving him, it is clear that a handclasp normally represents the type of agreement between friends that does not require an oath. Similarly in Sophocles' *Oedipus at Colonus*, Oedipus asks Theseus for the pledge of his hand addressing him as "dear friend" (*philon kara*) and requesting that he "agree" (*kataineson*) to look out for his daughters' interests (*OC* 1631–5). Theseus is said to agree with an oath (1637: *katēinesen … horkios*) even though one is not requested. These uses of oath-language are important for dramatic reasons, as I discuss in §5.2. In Sophocles' *Women of Trachis*, the dying Heracles compels his son Hyllus to agree to his wishes first by asking him for his right hand as a pledge (1181) and then by requesting that he swear a blind oath to do what his father commands (1185–90). The handclasp is clearly the lesser of the two requests, designed to draw Hyllus into an agreement that will not be to his liking. In each of these cases, agreements are made between parties on friendly terms with each other. An oath is added in the latter two examples for reasons of security.[57]

Oaths featuring handclasps, then, are either taken by parties on friendly terms with each other (where an oath would not normally be required, but is given nonetheless because of a particular circumstance), or they appear on occasions when friendship or a betrayal of friendship is stressed. To the former category belongs the oath of Helen's suitors, who swore to support her husband should any man take her from his house, marching against the abductor with force of arms to sack his city (E. *IA* 58–65). According to Euripides, the suitors' oaths were formalized with the clasping of right hands, libations, and burnt sacrifices (*IA* 58–60). Hesiod confirms the libations (fr. 204.78–84),[58] and a passage from *Iliad* 2 which may also refer to the oath of Helen's suitors includes reference to a clasp of the right hand and libations as sanctifying features (*Iliad* 2.341). In the relevant scene, Nestor reproaches the Achaeans for wanting to leave Troy, asking "Whither then shall our oaths and agreements go?" (*Il.* 2.339). It is not entirely clear what "oaths" are meant here. The parallel in sanctifying features between these oaths and those of Helen's suitors is suggestive, though not conclusive. Nestor is addressing the entire Achaean army, not just the leaders (and suitors). However, Achilles, who was not one of Helen's suitors, is notably absent and it

57 See §5.2 for a more detailed discussion of these and other examples of oath-language used in Sophocles.

58 No details are given in Stesichorus *PMG* 190.

could reasonably be assumed that the men will follow their leaders' decisions. Nestor, of course, was not one of the suitors either, but the designation of "our" oaths could have the general meaning of "the oaths of the Greeks". Another possibility is that Nestor is alluding to the "promise" (*huposkhesis*) the Achaeans made to go home only after Agamemnon had sacked Troy. Odysseus had referred to this in the previous speech (*Il.* 2.284–8), and Nestor may be retroactively upgrading the "promise" to an "oath" for rhetorical purposes.[59] If so, this would be the only pre-Sophoclean example of a "Sophoclean" oath (on which see § 5.2). However, Nestor's mention of "libations of unmixed wine" (*Il.* 2.341) suggests a formal oath, so it seems most likely that he is alluding to the oath of Helen's suitors. The presence of the handclasp implies that the suitors, although rivals for Helen's hand, are not enemies as such but are, generally speaking, on friendly terms with each other. The successful suitor, Menelaus, is presented by Euripides as swearing a suicide pact with his wife, after the Trojan war, if their plan to escape from Egypt fails. The exchange of oaths also includes a handclasp (Eur. *Hel.* 835–44). Again, the formalization of the oaths with the handclasp underlines that the pair have a close and positive relationship.

The same cannot be said for the oath reported in Demosthenes' *Against Meidias*. It is claimed there that Meidias denounced Aristarchus in the *boulē* as a murderer, but later swore to Aristarchus, having taken his right hand, that he had made no such allegation. Demosthenes accuses Meidias of perjury and calls witnesses to confirm what he had done (21.119–21). The handclasp seems to represent a duplicitous gesture of friendship, all while Meidias allegedly perjures himself. There are two possible explanations for this scenario. Demosthenes and his witnesses may have been casting Meidias unfairly as a perjurer. It is possible that he merely stated rather than swore that he had not accused Aristarchus of murder, and that the statement is treated as an oath for rhetorical effect. Alternatively, Demosthenes' allegation is true, in which case Meidias, by feigning friendship with a handclasp, is guilty of a particularly deceptive perjury. This would be comparable to the perjury of the villainous Persian Tissaphernes. According to Xenophon, Tissaphernes was a shameless perjurer, who broke his oaths without compunction. If the handclasp represents friendship in oath-taking, as I am arguing, then Xenophon's inclusion of the right-hand pledge in his references to the oaths of Tissaphernes (*Anab.* 2.3.28, 2.4.7, 2.5.3, 3.2.4) casts him as a special kind of charlatan – and Xenophon seems to have been keen to represent Tissa-

59 M.L. West 2011, 109 notes the two possibilities. The oaths either belong to a narrative relating to Aulis or to the betrothal of Helen.

phernes as negatively as possible.[60] The hero of Xenophon's *Cyropaedia*, Cyrus, is conversely portrayed as giving his right hand as a gesture of friendship in the formalization of sworn alliances which were not betrayed, such as the alliances with the Assyrian Gobryas (*Cyr.* 4.6.8–10) and with the Hyrcanians (*Cyr.* 4.2.7–8, 5.1.22.2). As a means of adding extra sanctity to an oath, then, the handclasp is weak since it represents a human agreement of friendship and does not possess the solemnity of divine retributive forces.

Dexiōsis as a ritual has "little to do with sympathetic magic".[61] Libations on the other hand do seem to represent a divine element of the oath-curse.[62] The sworn truce between the Greeks and the Trojans in the *Iliad* is explicit in specifying that the brains of perjurers should be spilled on the ground just as the wine libation is spilled (*Il.* 3.300). The wine, of course, like blood, is dark red so that the visual parallel is explicit, and although the libation is poured from a mixing bowl (*Il.* 3.295), the wine itself is unmixed (*Il.* 4.195).[63] At *Iliad* 3.295, the subject changes from the third person singular (as at 3.292–3), referring to Agamemnon's role in sacrificing the sheep, to third person plural, indicating that all the princes draw wine from the mixing bowl with their cups and pour a libation. The oath, which states that the Greeks and the Trojans will stop fighting and that Menelaus and Paris will engage in single combat over Helen and her possessions (*Il.* 3.281–7), is used as a model for the truce between the Argives and the Thebans in Euripides' *Phoenician Women* where "they poured libations…and joined in oaths" (1240–1) agreeing that the war should be decided by single combat between Eteocles and Polyneices. As we noted above, libations were an important feature of interstate truces and treaties, often called *spondai*, meaning "libations".[64] In Aristophanes' *Acharnians* (147–50), libations are poured as part of the Thracian Sitalces' oath to help Athens with an army so great that it would resemble a swarm of locusts.

It is only rarely that libations are mentioned in non-political oaths. When they are, it seems that they are added for particular emphasis to convince an audience of the truth of the statement being made. So in *Wasps* (1046–7), it is said that Aristophanes is "pouring many upon many libations" while swearing that no one had ever heard better comic poetry than in his previous year's comedy (i.e. *Clouds*), which had been ranked third and last. Similarly the fictional oath

60 See Hirsch 1985, 25–32.
61 S&B 156.
62 Cf. Carastro 2012, 85.
63 That is the wine is undiluted with water, and various portions of wine are mixed in the mixing bowl as explained by Kirk *ad* 2.341 and *ad* 3.269–70.
64 See further S&B 242–4.

reported by Odysseus disguised as the "Cretan" in the *Odyssey* is meant to convince his listeners of Odysseus' return. He tells Eumaeus that the king of Thesprotia swore to him as he poured a libation (*apospendōn*) that the ship and crew were ready to bring Odysseus home (*Od.* 14.331–3). Hoekstra comments that the "emphatic character of the expression is far more strongly motivated by Odysseus' desire to impress Eumaeus than by the actual circumstances as described in his tale."[65] Odysseus later tells the same story to Penelope (*Od.* 19.287–90) with a similar purpose. The libation is a solemn sanctifying element in an oath, either poured onto the earth (as in *Iliad* 3.300) or over the sacrificial fire (as in Plato, *Critias* 120a). Even the oaths of the gods are said to include a libation, not of wine, but of water from the Styx (Hes. *Thg.* 782–95), although in actual fact none of our examples of gods swearing oaths does include a libation (see §7.3 on the oaths of the gods). Notably the attributes of the Styx imply that a libation from her would similarly represent the curse element on would-be divine perjurers. She is described as a branch of Ocean, specifically the tenth portion, while Ocean whirls nine portions around the earth (*Thg.* 789–92). The punishment for perjury among the gods is then described as exclusion for nine years and reintegration in the tenth (*Thg.* 793–804). Where a libation of wine for mortals represents the potential loss of blood and the loss of life, the libation from Styx for the immortals would seem to represent the separation of nine years, just as Styx flows separated from nine other portions of the sea, and return in the tenth as symbolized by Styx herself, the tenth portion.

Other unusual sanctifying features also represent the fate of the perjurer. An early fourth-century inscription (ML 5.7–11) records a citizenship oath taken by Theran residents in Cyrene (c. 635 BC) in which waxen images were made and burnt as the oath-curse was expressed. The person who did not abide by the oath would melt away and dissolve like the images, himself, his descendants, and his property.[66] Although this precise use of sympathetic magic is uncommon in Greek sources it has significant Egyptian and Near Eastern parallels.[67] The connection between ritual and curse is not so explicit in the Delian League oath, where lumps of iron were dropped into the sea to sink after the oaths had been sworn (Arist. *Ath. Pol.* 23.5), but the act must surely have fulfilled the same function. In an oath involving maritime nations, the representation of sinking would be a powerful image of potential death for the perjurer. Herodotus reports a similar ritual (sinking a mass of iron into the sea) also performed in an oath taken by seafarers,

65 In Heubeck & Hoekstra 1989, *ad* 14.331.

66 For further discussion of this oath, see Faraone 1993; Fletcher 2012, 242; S&B 29–31.

67 See Faraone 1993, 62–5.

the Phocaeans leaving their homeland (Hdt. 1.165). They swore never to return before the iron resurfaced, a sentiment suggestive of permanence as indeed is the iron material itself. The ritual thus has a double function of representation by sympathetic magic and binding by permanence,[68] although in this case of the Phocaeans a majority broke their oaths and went home apparently without punishment.[69]

6.4 Multiple sanctifying features

For ensuring permanence, or at least durability, recording an oath by means of a public inscription was an act of great significance.[70] In the literary corpus, only two oaths are described as being written down, and in both cases elaborate rituals accompany the oath. The first comes from Euripides' *Suppliant Women* and concerns the alliance between Athens (Theseus) and Argos (Adrastus) that is made at the end of the play. Athena appears *ex machina* and exhorts Theseus to exact an oath from Adrastus swearing that Argos will never bring a force of arms against Athens and that if others do, she will impede them with her spear. The oath is to be ratified with the sacrifice of three sheep over the tripod that Heracles had given to Theseus. The sacrificial knife is to be buried at Eleusis, by the funeral pyres of the leaders who left Argos to attack Thebes. The location of the burial[71] is to be shown in the future to inspire fear in those who would come against Athens, causing them an evil homecoming. The oath is to be inscribed on the tripod, which is to be brought to Apollo's temple in Delphi to be displayed there (*Supp.* 1187–1204).

The oath is remarkable in several ways. Although ostensibly an oath of alliance, it is to be sworn unilaterally by the Argives. Athens is to gain all the benefits without having to agree to anything in return, which is not the way military alliances normally worked. It is, of course, true that Theseus has *already* come to Argos' aid by putting military pressure on Thebes to return the bodies of the Argives, but he is not bound to any future military aid by the oath. In fact,

68 Scholars have disagreed over the significance of the ritual as *either* symbolic of permanence (Burkert, 1985, 250; Steiner 1994, 68) *or* representative of the curse (Jacobson 1975, 256–7; Faraone 1993, 79 n.74; Berti 2006, 197). Bayliss sensibly argues for both in S&B 156–7. For further discussion of the ritual aspects associated with this oath, see also Carastro 2012, 95–100, Faraone 2005 and 2012, 128–30.

69 See §12.1 for further discussion of this perjury.

70 See S&B 158–60.

71 Presumably, rather than the knife itself; see Morwood 2007 *ad* 1209.

the only oath that Theseus swears simply suggests that the Argives have been well treated by him (*Supp.* 1174–5). In this respect the alliance demands comparison to that made between Argos and Athens at the end of the *Oresteia*. There again a representative of Argos (Orestes) had sworn unilaterally on behalf of all present and future Argives that no helmsman of his land would ever bring war against Athens (*Eum.* 762–74). Athens is not bound by any corresponding oath, and it seems that the trial acquitting Orestes of matricide has been enough to ensure Argos' eternal support.[72] The obvious parallel between the two alliances also highlights some significant differences. Both alliances are represented as having taken place in mythical history, but the relationship between Athens and Argos in the fifth century BC was a significant political issue. The fact that an Athenian-Argive alliance had been ratified in 461 BC, not long before the production of Aeschylus' *Oresteia* (in 458 BC), means that the Aeschylean alliance must have had contemporary political resonances.[73] Unfortunately, we cannot say for certain whether or not Euripides' *Suppliant Women* was produced after the second Athenian-Argive alliance of 421 BC, but Collard argues persuasively for a date close to 424,[74] and comparison of the terms of the alliance with those in Aeschylus would also suggest that Athens and Argos were not on good terms when *Suppliant Women* was produced. Orestes in Aeschylus simply swears that Argos will never bring war to Athens (*Eum.* 765–6). This conveniently exculpates Argos from their capitulation to the Persians and their support of Aegina against Athens in 491 BC and from their neutrality in 480 BC as the Athenians once again fought off the Persians. By adding the stipulation that if *others* bring war against Athens, Argos will impede them with a military force, Euripides effectively casts the Argives as perjurers given their history of inaction when Athens was being attacked.

We observed above the importance of the spatial context for adding solemnity to Orestes' oath of alliance in *Eumenides*. However, the oath is devoid of further sanctifying features and is thus significantly different from the oath in Euripides which is brimming with ritual elements. Moreover, although the tripod is to be displayed in Delphi (for the entire Greek world to see), the rituals dictated in Euripides associate the power of the oath specifically with Athens and Eleusis. The tripod over which the sacrifices will be made is a symbol of the friendship

72 See further Quincey 1964 on the unusual nature of this oath of alliance.

73 See e.g. Quincey 1964; Sommerstein 1989, 30–2; Podlecki 1999, 82–3.

74 Suggested dates for Euripides' *Suppliant Women* range from 424 BC to 416 BC. See Collard 1975, 8–14 and Morwood 2007, 26–30, for further discussion.

between the Athenian king Theseus and the Panhellenic hero Heracles.[75] The sacrifice itself will take place in the Athenian deme of Eleusis. The number three, repeated when Athena gives the instruction to cut three throats of three sheep (*Supp.* 1201), gives the sacrifice added religious significance.[76] It may also be designed to recall the Iliadic truce, and thus appeal to the ritual authority of epic, since this is the only other recorded oath where three sheep are sacrificed. The sacrificial knife in Euripides is to be buried at Eleusis by the funeral pyres of the dead warriors who had attacked Thebes, and this place will forever be a reminder to the Argives of their oaths (*Supp.* 1205–8). In terms of sympathetic magic, the implication is that any Argives who break the oath will die, both like the sacrificial victims of the knife and like the dead warriors by whose pyres the knife is located. The inscription of the oath also seems to be imagined as taking place in Eleusis (*Supp.* 1202), since the command to take the tripod to Delphi happens only "after that" (*Supp.* 1203: *kāpeita*).[77]

Writing is associated with authority and accessibility in this tragedy.[78] The inscription of the oath and the elaborate details of ritual are clearly meant to emphasize the serious and binding nature of the alliance. Euripides often engages with and responds to Aeschylean models in his tragedies,[79] and although his *Suppliant Women* reworks the same mythic episode as Aeschylus' *Eleusinians*, the sworn alliance in Aeschylus' *Eumenides* seems to be an important model for understanding the oath of alliance at the end of Euripides' *Suppliant Women*. Particularly the unusually high number of sanctifying features, and the additional clause regarding the Argives' agreement to aid Athens if she is attacked, seem designed to cast the contemporary fifth-century Argives as serious perjurers and as enemies of Athens. Of course it is highly unlikely that the tripod existed, but the notion that it *might* still exist, somewhere among the numerous tripods dedicated at Delphi, would have been enough to lend authority to this aetiological myth.[80]

The same cannot be said for the inscribed oath of the mythical kings of Atlantis, whose island (according to Plato) had long been lost in the depths of the sea.

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75 On the theme of Panhellenism in this play, see Morwood 2007, 3, 8, 13, and *ad* 133, 163–4, 188–9, 220–1, 277, 286–364, 311–13, 340–1, 526–7, 538, 561–3, 671–2, 714–7.

76 Cf. Morwood 2007, *ad* 1202–3. Cole 1996, 231, suggests that the "most formal type of oath-sacrifice required three adult male victims."

77 Steiner 1994, 64 with n.10 suggests that the knife used for the sacrifice may also have been used for making the inscription.

78 See Torrance 2013, 166–74.

79 See Torrance 2013, 13–62, 69–75, 94–133, 152–74.

80 For my views on Euripidean aetiologies, see Torrance 2013, 38.

The oath in this case was the oath of office of the ten kings taken in the temple of Poseidon, located in the centre of the island. The oath was inscribed on a column in the temple along with their laws. The inscription, as noted by Steiner, "looks toward actual historical practice."[81] The kings swore to give judgment according to those laws, to punish any who transgressed them, and not to transgress the laws. The oath was sworn at intervals of four and five years alternately, before the kings adjudicated. They hunted a bull, which was sacrificed to Poseidon, and its blood was allowed to run on the inscribed column. A libation of wine was mixed with one blood clot for each man and poured over the sacrificial fire in golden cups. Each man drank and dedicated his cup in the god's sanctuary.[82] This is essentially the end of the oath ritual proper, after which the kings have supper, don blue robes (which are also later dedicated in the sanctuary), extinguish the sacrificial fire and give judgments which they record on a golden tablet (*Critias* 119d-120c).

Plato tells us that there is something "foreign", "barbarian" (*barbarikon*), about the temple of Poseidon in Atlantis, which was decorated with gold, silver, ivory and the shining metal orichalc (*Critias* 116d). Athens had apparently been engaged in a great war against Atlantis in the distant mythical past (nine thousand years earlier, *Critias* 108e). Some of the details of the oath ritual reflect that "barbarian" identity of Atlantis. As in other cases of foreigners' taking oaths, the basic ritual is the same as that practised by Greeks but the details add a sense of the exotic. The mixture of wine and blood recalls the oaths of the Scythians (Hdt. 4.70), and the pouring of sacrificial blood down a temple column echoes the bloodied columns in Artemis' temple of human sacrifice among the Scythian tribe of Taurians (E. *IT* 403–6). As a precious metal, gold was often associated with foreigners in classical Greece, particularly with Trojans and with Persians, since the Greek homeland had no gold mines.[83] Metal itself seems to be a significant element in elaborate oath rituals. Both the golden cups dedicated by the kings of Atlantis and the bronze tripod dedicated by the Athenians at Delphi symbolize permanence.

We have seen above that oaths of office in classical Athens were particularly solemn and often accompanied by an oath-sacrifice.[84] Cast into the distant past

81 Steiner 1994, 70.

82 Mezzadri 2009 argues that the blood which is added to the wine represents an internalization and oralization of what is written on the column as a means of casting suspicion on the writing itself, and that it can be read in light of attitudes to writing elsewhere in Plato (notably in the *Phaedrus*).

83 On the associations of gold with Persia and Troy, see Hall 1989, 80–1 and 127.

84 On oaths of office see further S&B ch. 3.

and in a mythical world, the solemnity of the oath of office in Atlantis is increased by the large number of rituals. The kings who swear this oath still have some connection to their divine heritage as descendants of the original ten kings who were sons of Poseidon. As their divinity becomes diluted, however, and their mortal part becomes greater and greater, one generation after the next becomes "full of lust for wrongdoing and power" (*Critias* 121b). Zeus decides to intervene, and that is where the unfinished text ends abruptly. Plato does not say explicitly that the kings become perjurers, but given that he associates perjury with greed for gain in the *Laws* (948d-949a),[85] there is an implication that the oath of the kings became tainted through their development into "shameful people" (*Critias* 121b: *aiskhroi*).

Perjury is certainly an issue in what is arguably the most important and paradigmatic oath in Greek literature, the sworn truce between the Greeks and the Trojans in *Iliad* 3.[86] The ethnic associations of ritual metal items used in this oath conform to the pattern we have seen elsewhere. Golden cups (here used for pouring libations of wine) and the shining mixing bowl are brought by Priam's herald Idaeus (3.248). The bronze sacrificial knife, on the other hand, is Greek and belongs to Agamemnon (3.292). Several preliminary oath rituals are conducted by the heralds. They lead the sacrificial victims to the location of the truce, they mix the wine in a great wine-bowl, and they wash the hands of the princes with water (3.268–70). Two sheep are provided by the Trojans, one white for Helios, and a black one for Earth,[87] and a third is provided by the Greeks for Zeus (3.103–4). Agamemnon then cuts off hairs from the sacrificial victims with his knife and the heralds distribute these among the princes of both sides (3.271–4). This is tantamount to touching the sacrificial victim and so binds the princes to the oath-sacrifice.[88] Agamemnon raises his hands, and invokes a long list of sanctifying witnesses to the oath: Zeus the Father, who watches from Ida, most high, most honoured; Helios, who sees all things, who hears all things; Earth; Rivers; the nether avengers of dead perjurers (3.276–80). Agamemnon makes a declaration of the oath statement and its terms (3.281–91),[89] and then cuts the throats of the sheep (3.292–4). It is noteworthy that Agamemnon himself performs the sacrifice, particularly since his role in sacrificing his daughter Iphigeneia is suppressed in

85 See further ch. 15.

86 Burkert 1985, 250 calls this an "exemplary description of an oath-sacrifice"; Berti 2006, 189 suggests that it is a "perfect example" of an oath and "characteristic" of Greek oaths.

87 Kirk 1985, *ad* 103–4 notes that "the order is reversed in the chiastic Greek construction".

88 Cf. also Berti 2006 187–8.

89 The oath is first proposed at *Iliad* 3.73–5, cf. 90–110.

the *Iliad*.[90] Kirk notes that the deaths of the sacrificial victims are described in terms normally applied to human deaths in the *Iliad*. They fall "gasping for want of their life breath" (3.293–4),[91] and Berti notes that this "creates a metaphorical parallel between the death of the sacrificial animals and the destiny of the perjurers."[92]

Once the sheep have been killed, all the princes draw wine from the mixing bowl in cups and pour libations (3.295), and all seem to express the oath-curse. "They prayed to the gods who live forever, and thus was any man heard saying among both the Achaeans and the Trojans" (3.296–7).[93] The formula "thus was any man heard saying among both the Achaeans and the Trojans" is repeated later when all the warriors hope that the war will be resolved by the single combat between Menelaus and Paris, and they hope that their oaths will hold firm (3.319–23). In the oath ceremony proper, they invoke Zeus as exalted and mightiest and the other immortals to let the brains of those who first do wrong to the oaths be spilled on the ground as the wine is spilled, theirs and their sons', and to let their wives be the spoil of others (3.298–301). Priam's presence at the oath ceremony, as a trustworthy king, had been essential for the Greeks (3.105–6), but it is not long before the gods plan to make the Trojans break the truce. In *Iliad* 4, Hera convinces Zeus to send Athene to rekindle the war with the objective of making the Trojans break their oaths if possible (4.64–72). Athene is successful, and the truce is broken (4.86–147).[94]

Clearly oaths with numerous sanctifying features such as the three discussed here were to be imagined as particularly solemn, so that their breach is especially significant. Indeed it seems reasonable to suggest that the wide variety of sanctifying features is stressed in each case in order to highlight the terribly serious nature of related perjuries. Troy's destruction can be read as a direct result of the breach of the truce. The Trojans suffer the fate specified for perjurers. The

90 Kirk 1985, *ad* 1.108 comments that "Homer does not mention Iphigeneia by name, but that does not mean that the tale was post-Homeric"; cf. M.L. West 2011, 86, 217–18. Aeschines 2.87 makes reference to the fact that winners in homicide cases must cut the sacrificial victim into pieces (*temnonta ta tomia*) and swear a solemn oath (affirming that justice had been done), which suggests that oath-takers were expected to cut (and perhaps kill) their own sacrificial victims.

91 See Kirk 1985, *ad* 3.293–4.

92 Berti 2006, 187.

93 Carastro 2012, 86 notes that the group of warriors present at the sacrifice are not simply onlookers and Faraone 2012, 126 also observes that "the entire group recites the automatic curse connected with the wine".

94 See further ch. 3, pp. 55–7, on the perjury of the Trojans.

relationship between Athens and Atlantis described in Plato's *Critias* is in some ways comparable to the relationship between the Homeric Greeks and Trojans. Athens and Atlantis are involved in a war with each other in the long-distant past. The culture of Atlantis is foreign to Athenians in the sense that its people are wealthy in gold and other valuables, just as the Trojans are wealthy in relation to the Greeks. At the same time, both Atlantis and Troy have the protection of identifiable Greek gods and are cultures respected by the Greeks, with many similar rituals (such as oath-taking, for example). The Athenians manage to repel an invasion of Atlanteans, even after their allies abandon them (Pl. *Tim.* 25c), but the inhabitants of Atlantis become ungodly (*Critias* 121a-b) and their island is destroyed by violent earthquakes and floods (*Tim.* 25c-d), the portents of an angry Poseidon (original founder of Atlantis). There are echoes here of the Persian Wars in Athens managing to fend off a powerful aggressor without the support of some of the major Greek states,[95] but the Trojan model remains important. Just as Poseidon created the landscape of Atlantis (*Critias* 113e) and seems to have caused its destruction, so also he had built the walls of Troy, along with Apollo, but when Laomedon refused to pay the agreed wage, Poseidon sent a sea-monster to destroy the people and their crops. Hellanicus records this version in which the Trojan king Laomedon is a perjurer (*FGrH* 4 F 26b).[96]

Perjury is in Troy's legacy, although it is unacceptable to Plato that the gods had orchestrated this (*Rep.* 379e3). In his mythical city of Atlantis, it is the dilution of divinity that causes the mortals themselves to abandon auspicious practices and to become greedy for material gain. The motivation for the betrayal of an oath ritual is thus placed by Plato into human hands. Regardless of motivation, however, both societies (Trojan and Atlantean) are destroyed as a result of godless behaviour. The elaborate oath rituals in Euripides' *Suppliant Women* are similarly designed to mark a momentous occasion, and although the ritual is set in the mythical past, and also seems to allude to the Iliadic truce, it has implications of contemporary political perjury as argued above. Perjury, then, seems to link these three unusually complex literary oath ceremonies, created by their authors to emphasize the disgraceful nature and outcome of flouting divinely sanctioned rituals.

95 Although the analogy is far from straightforward. See Vidal-Naquet 1986, 263–84 for further discussion.

96 See §12.1.1 for further discussion of this perjury.

7 Oaths, gender and status

7.1 Women and oaths

Judith Fletcher

It is hardly surprising that substantially more oaths sworn by men than by women survive from the ancient Greek world. Treaties, civic oaths and other covenants performed in public, often with animal sacrifices, were important components of the military, political and commercial life of antiquity, which were primarily male activities.[1] Less than 10 percent of the oaths recorded in the Nottingham Database are attributed to women; even fewer were sworn *to* women. Of the 291 inscriptions of public oaths in the Database, only 9 feature women oath-swearers, usually as part of a group that included men. There are 541 references to oaths in the historiographers (including Ctesias, Herodotus, Thucydides and Xenophon): of the 17 attributed to women in this group, most can be labeled as "fictional," in that they occur in a mythical past or have a folktale character. Thucydides does not record a single oath by or to a woman, and given his focus on political and military matters this silence is to be expected. Athenian forensic oratory indicates that it would not have been out of the question for women to swear oaths in a legal context (see S&B §5.11), although on closer inspection it seems that male citizens usually only claimed that their mothers were *willing* to swear on their behalf, not that the oath was actually taken. The paucity of female oath-takers in historical sources is reflected in poetry and drama, in which women's oaths are rare and often problematic.

The infrequency of women's oaths in public rituals does not mean, however, that women were unable to swear oaths in more private situations. There are indeed references to such oaths, and although few records bother to mention that women swore covenants among themselves, we do hear about oaths to close male associates. Unless these verbal contracts, promises or testimonials were repeated in a public setting such as a court – which is to say, unless they impinged on the lives of men in some way – we have no way of knowing the circumstances in which women would take oaths. Again fictional representations of such private oaths acknowledge the possibility that women could make promises or assertions guaranteed by oaths to each other. These scenarios often tell us more about the

1 The disparity was observed by Cole 1996 and 2004, 120–21. Also see Dillon 2002, 248 on women's absence from public life as a reason for the infrequency of their oaths.

anxieties of the men who imagined them and those of their audiences than they reveal any genuine social practice.

Evidence for women's oaths is admittedly scant. Nonetheless there were no explicit formal restrictions that prevented women from swearing oaths in any Greek *polis* during the archaic and classical periods. What can we deduce from the limited reports of women engaging in ceremonial promises? This section surveys the types of oaths that women took, the reasons for those oaths, the ways in which women's oaths were recorded, and the nature of oaths sworn to and among women. The following discussion examines correspondences between historical records and fictional representations in an attempt to reconstruct the reality of women's oaths. The intersection between these different genres and sources reveals much about how the collective cultural imagination of the ancient Greeks employed women's oaths as a mean of negotiating the concept of female agency in a male-dominated world.

7.1.1 Oaths in a religious context

Religious activity was one area of public life where women did have status and visibility. Although the evidence is limited, it is in cult and ritual that we find the few surviving examples of real women swearing oaths. To flesh out the picture we need to extend our gaze beyond the temporal scope of the Nottingham Database to include two inscriptions from the Hellenistic period. This epigraphic evidence corroborates classical sources to show that women swore oaths defining their role as priestesses or their obligations to cultic activity.

Sadly few records of such oaths exist, perhaps because many religious rituals were not to be spoken about, or simply because male record-keepers had little interest in them. A famous speech in the Demosthenic corpus records one of them, apparently inscribed on an ancient stele in an isolated location within the sanctuary of Dionysus in the Marshes ([Dem.] 59.76) that was only open once a year. In *Against Neaira* (73–8), speaking on behalf of the prosecution, Apollodorus refers to the oath of the fourteen Gerarai (or "Venerable Women"), attendants of the Basilinna, wife of the Archon Basileus, a woman who allegedly, in this particular instance, was unsuitable for the position because she was the daughter of a prostitute. Her priestess attendants swore their oath "on their baskets" to the Basilinna at the festival of the Anthesteria "in front of the altar before they touched

the victims"(78).[2] The terms of the oath were introduced as evidence provided by the herald who was present at the sacrifice:

> I live a holy life and am pure and unstained by all else that is not pure and by intercourse with a man, and I will celebrate the feast of the wine god and the Bacchic rites in honour of Dionysus according to tradition and at the appointed times.

Celibacy, albeit temporary, was often a requirement for priestesses and other religious functionaries, although this is the only example of a chastity oath for such personnel.[3] There is much that remains obscure here including the question of how long the Gerarai had to remain celibate.

Missing from our exiguous data are any suggestions that women swore oaths committing them to permanent chastity, although there are certainly sources to indicate women remained celibate for fixed periods of time. There are, however, divine prototypes for oaths of sexual renunciation that reveal what is at stake in ritual chastity and the limitations of mortal women's celibacy. Compare the oath that Hestia swore according to the *Hymn to Aphrodite* (26–8) and Artemis' oath of perpetual virginity recorded in a fragment ascribed to Sappho (fr. 44A.4–7). These goddesses were awarded the divine privilege of perpetual virginity: Hestia presumably because she represented the inviolability of the hearth and correspondingly the security of the home; Artemis because she presided over puberty, remained unwed and was under no male's control. But while the virgin goddesses were permanently chaste and thus independent, mortal women could only abstain from sex for short periods of time. Their valuable fertility was too essential for the perpetuation of the *oikos* (and the human race) to be withheld for long. In all likelihood then, vows of lifelong celibacy for women must have been extremely rare.

Would female celebrants or functionaries have to swear an oath of celibacy in all cases? Dillon concludes that "the Greeks did not think that gods required vows of virginity."[4] The women who performed the rituals of the Thesmophoria were required to abstain from sex with their husbands prior to the festival, but there is no evidence that they swore an oath to this effect. On the other hand, since the rites of this women's festival were shrouded in secrecy, it may well be that they did swear such an oath. Apollodorus emphasizes that the sacred rites in which the Gerarai participated were "not to be spoken of" (*arrēta hiera*, [Dem.] 59.72)

2 Robertson 1993, 208–11 provides further discussion. The oath is introduced as evidence, which raises the possibility that it is a later supplement.

3 The most notable would be the Pythia; see Connelly 2007, 17–18 and 49 for other examples.

4 Dillon 2004, 77.

to reinforce his argument that this inappropriate Basilinna had witnessed sacrosanct activities. The concept of secret rituals was by no means foreign to Athenian religion, and we can only speculate that oaths of celibacy, while not necessarily uncommon, were not often discussed either.

A surviving example of the requirement for ritual chastity falls outside the time-frame of the Nottingham Database. This is an oath prescribed by the sacred law of the Andanian mysteries from Messene that survives as an inscription dated to 91 BC. Gawlinski observes that although both male and female initiates took an oath, the women's oath is distinguished by a declaration that they had lived a "pure married life," (i.e. that they were faithful to their husbands).[5] Nonetheless it is significant that male initiates took an oath of temporary celibacy as well, an important detail indicating that ritual abstinence was not restricted to women.

The Gerarai also swore to perform certain functions in honour of Dionysus. Otherwise the only surviving example of an oath taken by priestesses regarding their responsibilities is found on a public inscription from late fourth-century Cos (*ICos* 386.4). The stone indicates that women chosen by lot would become priestesses of Demeter upon swearing an oath. Although it is entirely likely that such inaugural oaths were common practice in the induction of religious functionaries, no other records have survived.

7.1.2 Sacrifice and women's oaths

Two other oaths in a religious context pertain to women's responsibility to provide sacrifices, but this is not a situation unique to females. An oath recorded on a public inscription from Miletus (*LSAM* 45.14–17, dated around 380 BC) challenges men and women accused of failing to provide gifts or sacrifices to Artemis to swear that they had fulfilled this religious duty before the Boule or to suffer consequences. A further example beyond the time covered by the Nottingham Database supplements the idea that women might use an oath to guarantee their obligations to provide sacrifices. A fragmentary Coan inscription from the early third century BC (*ED* 178A (a)) records a public decree that required all free women to sacrifice to Aphrodite *Pandamos* within a year of their marriage. The value of the sacrifice seems to have been on a sliding scale depending on individual means, and the inscription records that newly married women swore an oath (*eisōmosias*) probably to the effect that the sacrifice was proportionate to

5 Gawlinski 2012, 101.

their wealth (*chrēmatistheisas*).[6] This oath covers a situation similar to the Milesian oath (although men were part of that ceremony), but the Coan oath appears to be promissory while the Milesian inscription prescribes the oath as a guarantee after the sacrifice.

The inscriptions say nothing about the exact nature of the women's sacrifices to Aphrodite and Artemis. Since the topic is somewhat controversial, however, this would be an appropriate point to consider how women's oaths were related to sacrifice. Animal sacrifice was the fundamental ritual of oath ceremonies; indeed the term *horkos* can often mean "oath-sacrifice." The slaughter of the victim symbolized the fate of a potential perjurer, but any oath-taker symbolically offered his or her body as a guarantee of trustworthiness. Even so not all oaths were validated by the immolation of expensive victims; the symbolism was implicit and not necessarily enacted. Certainly numerous important public oaths in Athens and other states were supplemented by blood sacrifice: for example the Argive Alliance sworn around 420 BC (*IG* i^3 83.26–28) was sanctified by "full-grown victims." While many inscriptions attest that the immolation of animal victims was a component of public oaths, none of these records indicate that women swore oaths guaranteed by animal sacrifice when men were not present.

Although some scholars have disputed the reality of women performing blood sacrifice, there is no practical reason to doubt that the sacrifices mentioned in the Milesian and Coan inscriptions involved such offerings.[7] Then again the lack of any reference to women's oath-sacrifices in historical sources and inscriptions adds weight to the argument that women's oaths were not guaranteed by the immolation of victims. Of course women seldom participated in the kinds of public oaths that were guaranteed by costly immolations. They might have sworn oaths in temples in the presence of a cult statue of a goddess, for example that of Artemis in the Amyclean temple in Gortyn (*IC* iv 72 col. III.5–12), and often their oaths would be reinforced by the invocation of a particular deity.

Although the Milesian and Coan inscriptions suggest that women were responsible for financing certain sacrifices, they did not necessarily sanctify their own oaths with victims. There were several alternatives, as we know: liquids, precious objects, textiles, etc. On the other hand there is little doubt that women

6 Lines 18–19. Dillon (1999, 67) suggests that the new brides swore that they sacrificed according to their means rather than the bare minimum. See his discussion of the use of the participle *eisomosias* for which the editors of *SEG* suggested *exōmosias* with reference to Pollux 8.55. It is better, I think, to understand *eis*ōmosias as the opposite of *ex*ōmosias, i.e. that the women were prepared to testify that they had made the sacrifices.

7 Detienne's suggestion (1989) that women did not perform cultic butchery has been disputed by Osborne (1993), Dillon (2002, 115–16) and Connelly (2007, 179).

sacrificed piglets at the Thesmophoria, so the claim that women did not participate in sacrifice requires special pleading (e.g. that male functionaries performed the sacrifice). Nonetheless epigraphic and historical sources provide no evidence that women made animal sacrifices to guarantee their oaths. The unique allusion to this possibility in Aristophanes' *Lysistrata* may not offer empirical evidence for women's oath-sacrifices, but even so it deserves a closer look.

7.1.3 Representing women's oaths: *Lysistrata*

For obvious practical reasons it would be difficult, if not impossible, to actually enact an animal sacrifice during any dramatic production. References to offstage oath-sacrifices do exist in tragedy; for example, Athena prescribes an oath-sacrifice to cement a treaty between Athens and Argos at the end of Euripides' *Suppliant Women*. But no oath-sacrifice described in any dramatic text, other than *Lysistrata*, involves women, a phenomenon that accords with the lack of historical evidence for women's oath-sacrifices. In extant Athenian drama Aristophanes' *Lysistrata* is the only oath-sacrifice performed in the theatre, but this hardly provides the evidence we need to make any pronouncement about women's oaths and their sacrificial guarantees.

In the prologue of this comedy Lysistrata, apparently modelled on a priestess of Athena Polias named Lysimache, compels her cohort of Greek wives to swear to abstain from sex with their husbands.[8] Aristophanes' inspiration for the Greek wives' pledge may be the oath of celibacy sworn by the Gerarai (mentioned above) to another Athenian priestess, the Basilinna, at the Anthesteria. Of course, if Aristophanes expected his audience to recognize this allusion, perhaps the rituals involving the Gerarai and Basilinna were not as secret as Apollodorus would claim several decades later. Since the Anthesteria was a wine festival, the women's pledge over a wine-jug is humorously appropriate. Lysistrata insists on referring to this *stamnos* as a sacrificial beast (196–204). Provocative as the pretence may be, it unfortunately provides no firm grasp on the question of women's oath-sacrifices. Does this scene indeed suggest that women could participate in blood sacrifices? Or is part of the joke that women generally did not swear oaths validated by blood sacrifice, as other evidence seems to suggest? The oath is a complex parody, alluding (in addition to the oath of the Gerarai) to treaty oaths ratified by wine sacrifices, an analogy for blood, which men would swear in his-

8 The identification was posited by Lewis 1955 based on inscriptional evidence. Also see Connelly 2007, 59–63.

torical reality, and actually do negotiate at the end of *Lysistrata*. The humour resides in how the women's oath juxtaposes a recognizable ritual, associated with women's cultic roles, and formulaic treaty oaths in which women did not participate.

There are, however, certain features of the women's oath that do not align with historical wine oaths: the women actually drink the oath-sacrifice themselves, a deviation from interstate protocol in which wine sacrifices were poured on the ground. If we accept the fantasy that the wine jug is a sacrificial animal, the consumption of the *horkos* is still a violation of standard practices: an oath-sacrifice stood for the body of the potential perjurer, and unlike other sacrifices was not consumed.[9] Of course Aristophanes exploits the wine sacrifice for humorous effect by alluding to women's reputation for bibulousness, but the joke operates very effectively on multiple levels.[10]

The women are seeking to achieve peace: the gambit is successful in the play, although it would not become a reality for another decade and then only in the face of defeat. In order to accomplish their goal they form a conspiracy to take over the Acropolis. The oath sworn by the women might also remind audiences of conspiratorial oaths (see S&B ch. 6), especially in light of current fears of oligarchic revolution. The Athenians who watched this play in 411 BC were well aware of conspiratorial *sunōmotai*, although the fictional idea of women swearing oaths together recurs in other dramas discussed later in this chapter. In the final analysis there are so many allusions and parodies fused together in the prologue of *Lysistrata* that it is very difficult to glean any historical information about how women actually did swear oaths in ancient Athens.

7.1.4 Civic or political oaths

The parodic oath that Lysistrata and her cohort of Greek wives perform is inspired by formulaic treaty oaths, an amusing imitation of alliances that normally did not involve women. The singular historical example of a female power-holder swearing an oath of alliance, although in tandem with her co-regent, from the mid-fourth century unfortunately tells us nothing about typical women's access to power. If the usual restoration of the inscription is correct, Artemisia II of Caria swore an oath in concert with her husband/brother Mausolus to honour an agreement with the Lycian city of Phaselis, although her name is absent from

9 Paus. 5.24.10; S&B 154.

10 See further remarks at Fletcher 2012, 220–40.

the remaining text of the agreement. [11] Only inscriptional evidence attests to Artemisia sharing the rule with Mausolus, although as Carney speculates she probably did not have an authority equal to his. After his death, she was briefly (353–350 BC) sole ruler of Caria, but there is no evidence of her involvement in interstate politics during this period.

Otherwise there are a few situations in which women did swear oaths in a civic or political context, albeit rare occurrences arising from special circumstances. Women (and children) were among the Theran colonists who founded the city of Cyrene in the seventh century BC, and they were also among the subsequent citizens who repeated the oath in the fourth century. The "founders' oath" is paraphrased and preserved in a fourth-century inscription (ML 5) which most scholars believe is a genuine reproduction of the original.[12] Faraone argues that the presence of "ancillary participants" (i.e. women and children) who lacked the "political rights needed to make a legally binding agreement" is typical of such oaths; their attendance is necessary to maximize the effects of the conditional curse, and to publicize the terrible consequences of perjury.[13] This might have been the impetus behind a treaty oath preserved in an inscription (*SEG* li 642.1–29) dating ca. 430 BC: although fragmentary, the text indicates that Locrian and Messenian men and women swore to abide by a treaty between Naupactus and Messene.

As these examples suggest, on very rare occasions women did participate in public oaths – although never without men, and probably as potential victims of the curse that would be visited on perjurers and their families. Although a relief decorating the inscription of a treaty sworn between Athens and Argos depicts two female figures clasping hands, it is most likely that they symbolize the tutelary deities of the two cities (Athena and Hera).[14] It is only in the dim past or in myth that a woman participates alone in a treaty oath. Ctesias writes of a peace treaty sworn between Zarina, the Sacian queen, who led a rebellion by Scythians and Parthians, and Astibarus (probably Herodotus' Cyaxares), king of the Medes (*FGrH* 688 F 5.34.2). Plutarch (*Thes.* 19) cites the fourth-century Atthidographer Cleidemus (*FGrH* 323 F 17 [5]) who wrote that a treaty was formed between Athens and Crete when Theseus swore a wine oath (*speisamenos*) with Ariadne

11 The inscription (*TAM ii (1–3) 1183.***1–7**) records that Artemisia and Mausolus swear to honour the agreement "guilelessly and innocently." See Carney 2005, 71.

12 See Faraone's summary (1993, 61n. 4 and 5) of the controversy regarding the authenticity of the inscription.

13 Faraone 1993, 72.

14 *IG* i^3 86; see Bayliss's discussion, S&B 157.

who had inherited the city of Knossos. The oath established friendship and peace between the Athenians and Cretans. In the distant heroic past Crete is envisioned as a state where women attended athletic games, inherited sovereignty and made interstate alliances (although Ariadne was apparently moved to do so because she fancied her new ally). Nothing in the extant corpus of oaths suggests that this autonomous political authority existed for real Greek women.

7.1.5 Oaths in a legal setting

We find more extensive evidence for women's oaths in legal contexts. It is in the Dorian city of Gortyn that women enjoyed a certain legal agency, or at least legal visibility. There are several well-preserved inscriptions dating from the sixth and fifth centuries that would have been displayed on the sides of public buildings or later on stone stelai. While the "Great Code" (*IC* iv 72) and various fragmentary smaller codes, including the so-called "Lesser Code," are by no means comprehensive (for example the inscriptions do not deal with homicide cases), they are informative about the legal status of women in this community.

As these inscriptions suggest, citizen women of Gortyn possessed more legal rights and financial independence than women of Athens: for instance, they were able to inherit and own property without some of the encumbrances faced by Athenian citizen women. These details are consistent with other evidence suggesting that women of this city-state had more public presence than female citizens in other communities. Aristotle (*Pol.* 1272a21) relates that they dined with men at public communal feasts, and there are other indications of their mobility and rights.[15] It is important to note, however, that our sources only give information about the legal rights of women, and never any specific instances of their exercise. The comparatively liberal legal rights of female citizens of Gortyn are suggested by the regulation regarding the disposition of property after a divorce (*IC* iv 72.ii.45): in the event of a dispute the woman could swear an oath by Artemis in the Amyclean temple, before a statue of the goddess, denying the accusation that she had stolen from her husband, although the statement had to be sworn within twenty days of the judge's demand for the oath. If the former husband took back any portion of the property after her oath of denial, he was obliged to return the goods and pay a monetary penalty to the woman.[16]

15 For further details on the legal and economic status of Gortynian women see Sealey 1990, 50–81.

16 See the discussion of the oath-taking practices of Gortyn in S&B 62–7.

Oaths were also an essential element of the legal sphere of ancient Athens, from the dicastic oath sworn by the massive juries to the oaths of litigants, defendants, and possibly witnesses (see S&B 67–115). If women contributed testimony to these proceedings, it could only have been by means of oaths sworn before the trial, although examples of this procedure actually being completed are very rare. In many respects the social position of female citizens in Athens was quite different from that of women in Gortyn. They did not swear oaths that represented their own interests in disputes against men, but were cited more obliquely in contexts that lent support to their male relatives. The orators provide several glimpses of situations in which women would swear oaths, whether officially or unofficially. We begin with the former type since they provide a picture, albeit not entirely reliable, of how Athenian women might have used oaths in private or non-legal contexts. In most cases the oaths are cited to support the agenda of an Athenian male citizen and may never have actually taken place. The greatest value of these examples is how they reveal some of the stereotypes associated with women's oaths in classical Athens.

7.1.5.1 Unofficial oaths in Athens

The first example, a slave woman extracting a promise from an Athenian citizen, is not explicitly an oath (*horkos*) but a pledge (*pistis*), which may or may not have been an oath. The vignette is useful for its insights into the complexities of gender, status, and promise-making. Euphiletus, the speaker of Lysias 1, defended himself in a *dikē phonou* (a suit for murder) by claiming that the man he killed was making love to his wife, a cause, he maintains, for justifiable homicide. The evidence for this defence is an archaic law (not preserved in this speech but in Dem. 23.53) from which we can deduce that Euphiletus was permitted to kill the adulterer without penalty (though certainly not obliged to do so, as he tries to insinuate) if and only if he could demonstrate that the victim was caught *in flagrante*.

Euphiletus is able to provide witnesses who saw Eratosthenes naked in bed with his wife, but the supporting details are perhaps intentionally vague. The defence needs to create a background story to enhance the tale of seduction and deceit, and also to mitigate any suggestion of entrapment, which must have been the prosecution's argument. Accordingly he narrates how he discovered that his wife was having an affair with an experienced seducer, Eratosthenes, identified to him by the maid of the adulterer's former mistress (16–17). Following the advice of this unnamed woman Euphiletus takes his own slave-girl to a neighbour's house for interrogation. Earlier Euphiletus had disingenuously revealed that his wife suspected him of having sex with this slave (13), an apparently superflu-

ous detail that would account for a failure to offer her up for torture (*basanos*). The slave-girl's testimony could have provided crucial evidence about the affair between Eratosthenes and his wife, but if Euphiletus used her to summon Eratosthenes to his house her testimony might also prove the plaintiff's argument of entrapment.[17] Euphiletus claims that he threatened the girl before she revealed any details about the affair, and that she supplicated Euphiletus to make him promise that she would suffer no harm (19–20). Presumably this would include the *basanos*, the only way to admit her evidence in court.

There are aspects of this scene that recall oaths featured in Greek drama. These similarities do not mean that the entire speech is a fiction or rhetorical exercise, but rather that Lysias knew how to create an engaging story to divert the jury's attention away from the brute facts of the homicide.[18] The pledge that Euphiletus gives to his suppliant slave is a *pistis*. This is precisely the same word that Medea uses when she supplicates Aegeus (Eur. *Med*. 731), but the oath that Medea tenders is a powerful, formal *horkos* guaranteed by the Sun, other divinities, and a curse. Like Medea, Euphiletus' maid supplicates a powerful man and extracts a promise; the supplication provides a ritual backdrop to the *pistis*, although we have no further details of the promise-making. By giving his word that the slave would come to no harm, Euphiletus lost his opportunity to prove that Eratosthenes had regularly visited his wife. On the other hand, had the slave been tortured she might have revealed details that would diminish Euphiletus' case.

There was, as Euphiletus' jury knew, a tragic precedent for a naïve young man swearing an oath to a slave woman. In fact so well known was this precedent that a citizen named Hygiaenon referred to it in an *antidosis* case against Euripides.[19] In *Hippolytus* Phaedra's nurse extracts an oath of silence from the young man who then finds that he is prevented from testifying against charges of rape. As Mirhady observes, it was inappropriate for Hippolytus to swear an oath to a low-status woman, and we could say the same about Euphiletus.[20] Lysias has chosen his client's words carefully to avoid the culturally loaded term *horkos*; he

17 Carawan (1998, 294–6) reconstructs the argument for entrapment: the slave-girl's role would have been to lure Eratosthenes to the house by pretending to bear a message from her mistress.

18 See Porter's discussions (1997 and 2007) of how the speech reflects elements of New Comedy. Gagarin 2003 responds: "The fact that we can find mythical or literary elements in these stories does not mean either that they are literary exercises, or that as court speeches they are fictitious tales. It simply means that their authors (like any good litigating attorney today) knew something of the art of storytelling and have done their job well."

19 According to Aristotle (*Rhet*. 1416a28–35) Hygiaenon intimated that Euripides was impious because Hippolytus (612) claimed "My tongue swore, not my mind." See further §11.3.

20 Mirhady 2003, 21.

avoids making Euphiletus look as though he is abusing a sacred promise-giving ritual by swearing an oath to a slave. At the same time Euphiletus has something to gain by implying he is keeping his *pistis*. Compare his apparent gullibility with that of his tragic counterpart, Hippolytus. In the final moments of the drama, Artemis praises Hippolytus for keeping his oath, although this nobility led to his own catastrophe. This may be a side effect of Euphiletus' narration of his promise to his wife's maid. He runs a risk of seeming gullible when he swears to a slave woman, but appearing to be a gullible cuckold who keeps his word is better than looking like a calculating killer. As it is Euphiletus does not have to produce the slave for torture, but can insert her putative evidence into his speech and end up seeming to be, like Aegeus and Hippolytus, a decent man who honours his oath.

Two other examples from oratory prove to be equally illusory and potentially fabricated; these oaths, sworn by women to men, exemplify a common mistrust of women's agency. Both are from Hypereides, and survive as papyrus fragments. Although they are mentioned in a legal setting, they are not evidentiary oaths, but informal promises allegedly sworn in private settings and repeated by the speakers, one a defendant in an adultery trial, the other a prosecutor in a suit for damages. The first oath has been used as evidence against the accused Lycophron who recounts how his prosecutors claimed that his alleged mistress, a married woman, had sworn an oath of fidelity to him, and that he was overheard reminding her to keep this oath on her wedding day. In his defence speech Lycophron scoffs at the accusation and wonders why Dioxippus, the aggrieved husband, would have married the woman had he known about this oath.

Although Lycophron is denying the existence of any such promise, the significant point is that the plaintiff expects the jury to believe that an Athenian woman could swear an oath of fidelity to her lover. Obviously lovers' pledges were within the realm of possibility, even though some sources claim that they were not as binding as other types of oaths (e.g. Hes. fr. 124.1; see §11.2). The putative oath of the wife of Dioxippus lifts the veil momentarily on the private life and personal choices of real Athenian female citizens who, as the plaintiffs acknowledge, could have desires of their own that were not necessarily in accord with those of family members who arranged their marriages.

A second report of a woman's informal oath occurs in Hypereides' *Against Athenogenes,* a fragmentary prosecution speech probably for a *dikē blabēs* (suit for damages) written in the late fourth century. The beginning of the speech is lost, but it is clear from what remains that Epicrates is trying to void a contract of sale by claiming that he was the target of a fraud perpetrated by Athenogenes, the vendor, and a courtesan named Antigone. The woman had brokered the deal in a private home, probably her own, and apparently in the absence of any legal

witnesses.[21] The fragment begins with Epicrates narrating how the deal was initially jeopardized by a disagreement between him and Athenogenes. Antigone intervened to reconcile the two men, reassuring Epicrates that Athenogenes was a decent sort by "swearing the greatest oaths" (§2). Encouraged by her commendation Epicrates purchased a slave and his two sons along with the perfumery that they managed, but he was misled about the amount of debt associated with the sale. Epicrates portrays himself as eager to complete the deal because of his erotic interest in one of the sons, and for this reason he was incautious about the enterprise. The calculating and dishonest Athenogenes and Antigone take advantage of this lapse in judgment. In particular the plaintiff claims that he was "persuaded by the *hetaira* of Athenogenes" (§18). His strategy is to draw parallels between his situation and Solon's law about the influence of women on wills to suggest that he was swayed by Antigone's intervention. He claims that he became the victim of fraud because he trusted "the greatest oaths" sworn by Antigone about the character of Athenogenes. And yet his gullibility is not due to his own foolishness as much as it is to the wiles of a devious courtesan. She was the "most skilled *hetaira* of her day" (§3) who now plies her trade as a madam, having ruined the household of a citizen from the deme of Cholleidae.

Antigone was evidently a shrewd businesswoman who pocketed a considerable sum for brokering this deal. The speech gives the impression that she would stoop to anything, including swearing falsely about the character of an utter scoundrel. Antigone's assurances, despite Epicrates' claim that these were "the greatest oaths," were certainly not formal oaths in a legal setting, and not part of court evidence – indeed they are little more than a strong reassurance of goodwill. Epicrates bolsters his case for conspiracy by suggesting that Antigone would invoke the gods as a guarantee of her deception, and of course given her social status she cannot give evidence to the contrary. There are some stereotypes operating here, which are nicely summed up by a Sophoclean fragment (fr. 811) in which an unidentified character remarks that "I write a woman's oath on water," an opinion later repeated by the fourth century comic poet Xenarchus (fr. 6 K-A) who substituted "wine" for "water."[22] Women's oaths were not to be trusted, as Antigone (or at least Epicrates' portrayal of her) demonstrates.

But another stereotype is also being invoked beyond that of a perfidious woman, and that is the conventional representation of prostitutes in Attic oratory.

21 The case is discussed in detail by Phillips 2009 who observes that Antigone would not qualify as a witness.

22 Cf. Callimachus (*Epigr.* 25.3–4) where the broken oaths are in an erotic context. The fragments of Sophocles and Xenarchus may also have referred to lovers' oaths.

Glazebrook argues that prosecutors often use the figure of the *hetaira* to diminish the credibility of their opponents.[23] She speculates that these depictions of dissolute, scheming, and dishonest prostitutes are a rhetorical convention used to cast doubt on the integrity of the speaker's opponents. Indeed the events described, and even the women themselves, may be fictions created to prey upon the fears of an Athenian citizen jury whose collective masculinity is jeopardized by the influence of immoral women on susceptible members of the citizen body. Antigone, who had already ruined an entire household in Cholleidae, is obviously being typecast as one of these cunning *hetairai*. Her close association with Athenogenes, the target of this litigation, is an implicit denunciation of his honesty. The stereotype is exacerbated by the allegation that she swore a false oath; although it is an informal promise and not sworn in the presence of witnesses, it contributes to the characterization of Antigone as a con artist.

All three of these examples involve unsubstantiated claims regarding oaths – one sworn to a woman, the other two sworn by women. In each case allusions to these oaths support the agenda of male citizens by exploiting a cultural bias that holds women to be manipulative, immoral or deceptive. Dioxippus used the report of his wife's oath to her lover – unsubstantiated but powerfully resonant – to support his adultery prosecution. Euphiletus and Epicrates present themselves as susceptible dupes who allow women to compromise their legal agency: one by making a promise to a slave woman, another by believing a prostitute's oaths. Let us turn now to more positive examples of women's use of oaths, although the sources for these are almost equally opaque.

7.1.5.2 Mothers' oaths

The oaths discussed above are unofficial, sworn in private settings, but disclosed in the law courts. In this section we examine oaths attributed to women in Athens in a more formal situation, specifically oaths that women allegedly offered to swear as evidence in *dikai* (private cases). While surviving examples of Athenian oaths in a legal context are overwhelmingly those of men, the logographers refer to the possibility that women's testimony could be offered as an oath sworn before the trial occurred and cited as evidence. Unlike women in Gortyn who were apparently able to swear oaths that supported their own financial interests, the oaths of Athenian citizen women, if sworn at all, were meant to bolster the claims of their families, especially their sons. We read that certain women of citizen status were willing to offer testimony by oath, although their oaths are

23 Glazebrook 2006.

never actually sworn, with one notable exception. It is a rhetorical strategy that allows plaintiffs or defendants to insert the testimony of their female kin without actually going through with the ritual.

Foxhall notes that although women were not litigants in court cases, they were often stakeholders in disputes that ended up in court. The oath-challenge gave citizen women a voice in the public venue of the courts, but it is difficult to determine if one of these putative offers was not in reality an act of ventriloquism. The daughter of Diogeiton, according to the speaker of Lysias' *Against Diogeiton* (Lys. 32.13), offered to swear on the heads of her children in support of her sons' financial claims on her father's estate. In Gagarin's opinion, the sophisticated rhetorical structure of the woman's speech, reported in direct discourse, suggests that Lysias had manufactured this mini-oration; the actual speech of the woman, and her unsubstantiated offer to swear the oath, are simply a rhetorical device.[24] Although it is possible that Lysias shaped the woman's speech so that it conformed to the conventions of forensic oratory – a rather unlikely strategy for the orator known for his *ēthopoiia* – the scenario more likely demonstrates the extreme anxiety of Diodotus' grandsons, who are ready to pounce on any morsel of evidence that might bolster their claim to his property.[25] In all likelihood, as Foxhall observes, the woman was too weak-willed to intervene on their behalf. Desperate for justice, and the patrimony to which they were legally entitled, the sons reported that their mother was willing to swear an oath, an unprovable assertion that probably bore little weight. As recently noted, men can refer to oaths that women took in a private context (evidence which the women could not dispute) to support their litigation. Now we encounter a situation in which a woman's more official oaths are only a murky possibility, albeit one that contributes to the agenda of a male litigant.

Indeed, the case also suggests that reports of women being willing to swear an oath could in fact be specious. That said, forensic oratory suggests a particularly close bond between Athenian citizen women and their sons, which allowed mothers some authority or at least influence in the retention of family property; their willingness to swear oaths to support their sons' property disputes is one aspect of family solidarity.[26] This was probably the case with Demosthenes' mother Cleobule, who must have been the impetus behind her son's litigation (Dem. 27–30) to retrieve his inheritance from unscrupulous guardians, since he

24 See Gagarin 2001, 162–67. Foxhall 1996, 149 similarly notes the scripted quality of the oath.

25 The prosecutor or *sunēgoros* in this case is the uncle of the sons of Diodotus' daughter, who is the niece and wife of Diogeiton.

26 Hunter 1989, 47; Johnstone 2003, 271.

would have depended on her evidence about the matter. After the death of her husband, Cleobule remained unwed, apparently by her own choice, and as a widow, had a certain *de facto* control of her own household economy. Foxhall speculates that Cleobule would have "nagged and primed" her young son, Demosthenes, until he was of age to bring her concerns to court.[27] The target of this litigation, Aphobus, according to the terms of Demosthenes' father's will, was supposed to marry Cleobule, but the marriage did not take place, perhaps due to Cleobule's resistance. He did, nonetheless, retain control of some of her property. Her determination to bring the property back under her control involved an offer to swear oaths on the matter (29.26, 33, 56): one to the effect that a household slave had been freed by her husband on his deathbed (26, repeated at 56); and another (on the heads of Demosthenes and his sister) that Aphobus had received a dowry for Cleobule (33). It is by offering these oaths that Cleobule is able to insert her evidence in her son's speech.

As these examples illustrate, Athenian juries were expected to believe that women could offer oaths in some sanctified place (usually in the Delphinium) on behalf of their male relatives. It appears, however, that these oaths were seldom, if ever, actually sworn (a phenomenon that applies equally to men's oath-challenges as well). Another example appears in Demosthenes' *Against Callicles*, written for an Athenian citizen involved in a dispute with a neighbour claiming damages due to a wall that had diverted flood water. The wall had been built by the defendant's father, and Demosthenes' client relates a history of neighbourly good-will now dissipated by the sykophantic intentions of the plaintiff. According to the defendant's mother the damage actually sustained was much less than Callicles claimed. The defendant explains that he tendered an oath to the neighbour's mother, and challenged the neighbour to tender a corresponding oath to his own mother (Dem. 55.27), that Callicles had or had not narrowed the road by throwing rubble on to it. It is easy enough to imagine two neighbouring women who had once been friends now engaged in a feud to which they had contributed. Although their oaths never took place, the challenge itself is read out to the jury, and thus the women's testimony becomes part of the proceedings.

Both speeches of Demosthenes allow us to reconstruct plausible situations with women operating behind the scenes, as it were. Denied an opportunity of presenting evidence in their own voices, they satisfy the desideratum of a silent female citizen while nonetheless inserting their opinions in the form of unsworn oaths, and perhaps even orchestrating legal action themselves.

27 Foxhall 1996, 144.

7.1.5.3 Paternity oaths

When women are prepared to swear oaths as evidence, or at least when their male relatives claim that they are, it is invariably to support the rights and claims of their sons.[28] The most significant form of this practice is the "paternity oath," in which a woman confirms the parentage of her son. An Athenian citizen's membership in his phratry and deme was formally established by the oaths of his father or guardian sworn at the Apaturia, first when he was an infant, and again when he was an adolescent.[29] A similar procedure occurred on the island of Tenos: according to an inscription dating from the fourth century, not only did male relatives swear to the paternity of a child, but its mother swore as well.[30] There is no evidence that mothers swore oaths to affirm their sons' paternity at other family-oriented rituals, and the Athenian reticence about having their wives speak out in public suggests that mothers did not give oaths at the Apaturia.

In cases of disputed citizenship status or inheritance rights, however, the question of paternity becomes crucial. Accordingly women might be asked to give oaths to establish their sons' paternity. In Isaeus 12, dating from the mid fourth century when there was particular anxiety and scrutiny regarding deme membership, the speaker argues on behalf of his disfranchised brother, Euphiletus, who could no longer represent himself in court. Euphiletus had been voted out of the deme of Erchia, and this speech is an attempt to get him reinstated. In addition to offering his own oath and that of his father, the brother claims that their mother, whose citizenship status is affirmed (she is *astē*, 9), is willing to swear an oath at the Delphinium that Euphiletus was her son by Hegesippus (9–10). "For who is more suitable to know than she?" asks the speaker, summing up the efficacy of such oaths.

A literary instance of this same phenomenon is represented in Euripides' *Ion* when Creusa swears to Ion by "the Gorgon-slayer" (1478) that Apollo is the father of the son with whom she has just been reunited. Her account of Ion's parentage is framed by this first oath and then by a more complete oath "by Athena Nike who once raised her shield against the Giants in her chariot beside Zeus," that Ion is the son of no mortal father but of Apollo himself (1528). The oath of Euphiletus' mother mentioned above, had it actually been sworn, would have taken place

28 As Allen notes (2000, 103) oath-challenges are always initiated by a male request, and the actual testimony (i.e. the content of a sworn oath) of women seldom reaches the court.

29 These are discussed in S&B 11–12.

30 The public inscription (*IG* xii Suppl. 303.6–8) does not specify what the mother swore, but the remainder of the document indicates that the child's father and male relatives swore to its paternity, so it is likely that the mother swore a similar oath.

in the Delphinium (temple of Apollo "of the womb"). Creusa is not in a court of law, but the location at the Delphic temple of Apollo is even more authoritative; furthermore, she is swearing that that god, whose temple in Athens is the location of mothers' paternity oaths, is in fact the father of her son.

It is not difficult to imagine other circumstances in which mothers were asked to verify the paternity of their sons by an oath, especially in Athens where the stakes were so high and the perquisites of citizenship guarded so assiduously. A mother's oath, or willingness to swear one, was the equivalent of modern DNA testing. Euphiletus' brother can say that their mother was willing to swear an oath of paternity, but the expectation always seems to be that the oath would not be needed. The only example of such an oath actually being completed is one where a mother was supposed to refuse the challenge.

Demosthenes wrote *Against Boeotus* (39) for Mantitheus in a legal dispute involving the paternity of his half-brother Boeotus, and his right to use the name Mantitheus as well. Boeotus claimed to be the son of Mantitheus' father, Mantias of Thoricus, but by a different mother, Plangon. This dispute is recorded in two speeches by Demosthenes for Mantitheus, the second (40) involving a complex financial matter related to the two mothers' dowries. Apparently, both women had been married successively to Mantias, who had divorced Plangon, the mother of Boeotus, possibly because he did not want to be implicated in her father's debts. Mantias married another much wealthier woman, who became the mother of Mantitheus.[31] Whatever precipitated the divorce, his affection for Plangon was strong enough for Mantias to sustain a relationship with her even after he remarried, and he continued to support her household. The full details of this triangle are not entirely clear: apparently Mantias had registered Mantitheus as his legitimate son in his deme, but not Plangon's sons, whom her brothers offered to adopt. With Plangon's assistance, Boeotus successfully sought membership in Thoricus and the right to call himself Mantitheus as well.

How did this come to pass? At some point Mantias offered Plangon a substantial sum of money to refuse an oath-challenge that Boeotus and his younger brother Pamphilus were his sons. For whatever reason Plangon (whose family had been plagued by financial problems for years) accepted the payment, but then she actually took the oath in the Delphinium and swore that Mantias was indeed the father of both sons. Mantitheus mentions Plangon's oath in both

31 It is a matter of debate whether Plangon was legally married to Mantias or was a citizen concubine, or even if Mantias was a bigamist. Humphreys (1989, 182) speculates that Plangon had been married to Mantias, but the couple divorced around the time of Boeotus' birth and that of his half-brother Manitheus.

speeches (39.3–4; 40.10–11), representing it as an underhanded trick by a devious woman. Paradoxically, the very act of accepting the oath challenge purportedly breaks a previous oath that Plangon swore to Mantias (39.3) not to take the challenge. The second time Mantitheus refers to this oath the imputation of deceit is even stronger: Plangon, he maintains, "deceived" his father by "the strongest and most fearful" oath (40.10).

Although she has citizen status, the "kept woman" Plangon falls into Glazebrook's category of the disruptive *hetaira*. Like Antigone, she uses an oath to entice her victim into her trap. Given the limitations of Plangon's situation, whose natal family's financial problems forced her to accept an extramarital relationship with her former husband, she seems to have worked the system to her sons' best possible advantage. According to the terms of the oath-challenge, Mantias had to accept Plangon's sons as his own. As Virginia Hunter put it:

> Resourceful, she moved beyond kin and family to one of the few public institutions open to women. It took some maneuvering and some deception as well, but eventually Mantias was persuaded to challenge her to swear an oath in the Delphinium, the sanctuary of Apollo Delphinius, as to the identity of her children's father. By that act, she ensured that the two were recognized as his legitimate sons. Surely here is an instance where tenacity and stratagems won out.[32]

The final example of a paternity oath occurs in Sparta, although not in a legal context. Herodotus' story of Demaratus' mother has a decidedly folktale quality (6.63–9), but nonetheless exemplifies the importance of a mother's oath. The tale involves the Spartan king Ariston's wife, the mother of Demaratus, in an account that complicates the convention of having a woman swear an oath identifying her son's father.[33] The stages of the episode are marked by a series of oaths beginning when Ariston tricked a friend into swearing a blind oath that obliged him to give up his beautiful wife to Ariston. Seven months later the woman gave birth to Demaratus, but Ariston, believing that the boy was the child of his wife's first husband, repudiated him by oath, an inversion of the legitimating oaths sworn by fathers at various rituals throughout Greece. Ariston later regretted this oath, although he did not recant it. After he died Demaratus became king, but the other king, Cleomenes, used Ariston's oath to depose Demaratus in favor of Leotychidas. Provoked by an insult impugning his lineage, Demaratus confronted his mother. Holding the *splanchna* of his sacrifice to Zeus *Herkeios*, which indicated that she was swearing an oath (and a unique example of a sacrifice accompany-

32 Hunter 1994, 42.

33 For further discussion see Fletcher 2012, 31–33; Lateiner 2012, 165–67; Faraone 2002, 80.

ing a woman's oath), she told him the story of his conception: two men visited her on one evening, both of whom she believed to be the same man, her husband. The first visitor apparently was a trickster daemon impersonating her husband, and he had left garlands on her bed. When Ariston asked where the flowers came from, she swore an oath that he had set them there. A consultation with the seers revealed that she had been visited first by the hero-trickster Astrabacus. The oath that Demaratus' mother gave him regarding his paternity was therefore not conclusive, since it suggested that Demaratus could have had one of two fathers. Thus a conventional way of proving a man's paternity – a mother's oath – is ironically confounded.

7.1.6 Mothers' vengeance oaths

It is as mothers that Greek women swore the most potent oaths, especially when they were in support of their sons. A variation on this theme is the oath of Tomyris in Herodotus' *Histories* (1.201–14). There are several accounts of the demise of Cyrus, says Herodotus, but this is the one that he finds "most credible" (1.214). Tomyris is the widowed queen of the Massagetae, a stalwart tribe that held out against Cyrus' conquests. Conceptually the pastoral-nomadic Massagetae exist on the edges of civilization: for example they eat the corpses of dead elders, and drink only milk, a signifier of primitiveness. They were, however, a force to be reckoned with, and as the tale of Tomyris reveals, their queen was a resolute and astute leader. When Tomyris rejects Cyrus' proposal of marriage (realizing that he meant to enslave her kingdom), he starts his campaign against her. One of his tactics is to lure some of the Massagetae into killing a group of his men at their feast. The Massagetae, who are unfamiliar with wine, finish off the banquet and fall into a drunken stupor. The Persians kill many of them and take others captives including Tomyris' son, the general Spargapises. Rather than begging or bargaining for his release she sends a message that includes an oath by the Sun that she "will give Cyrus his fill of blood" if he does not release her son (1.212). When Spargapises gets sober he feels such regret that he commits suicide, thus activating his mother's oath. Cyrus subsequently dies during battle with the Massagetae, and the Persians are defeated. Tomyris finds the corpse of Cyrus, puts his head in a skin full of human blood, and thus claims that she has fulfilled her oath.

Scholars offer different interpretations of this episode. Gould, for example, suggests that Tomyris exceeds even Cyrus and the Persians in violence, and is

thus a negative example of female potency.[34] But it bears noting that the queen swears her oath in an attempt to preserve her son's life. She is a fierce protective mother, in addition to being an independent and intelligent ruler. Like the mothers whose (usually unsworn) oaths were invoked in Athenian courts, she uses a powerful form of speech in the interests of her son.[35] Tomyris is also distinctly different from those silent mothers behind the scenes of Athenian litigation: she is an autonomous woman in charge of a nation, and prepared to do battle with the most powerful man of her time. Her oath is really a threat, which she is obliged to carry out after her son's suicide. For Herodotus' Greek audience she is no threat, however, for her army kills Cyrus whose rapidly growing empire would develop into their most dangerous enemy. Fittingly he is dispatched by an army under the control of a woman – an oblique disparagement of his masculinity.[36] Still, there is something askew about this barbarian queen's oath: her milk-drinking warriors are laid low by wine, the liquid used in peace oaths as an analogy for blood. Tomyris is explicit about the connection when she scorns Cyrus both for his insatiable blood lust and intemperate behavior under the influence of wine.

For a more invidious maternal oath of vengeance we turn to Aeschylus' Clytaemestra. There are similarities and differences between Tomyris and Clytaemestra. After killing his mother and Aegisthus, Orestes alludes to an oath sworn by the couple to kill his father and die together (*Cho*. 977–80). The murderers each had their own reasons for committing this act of retribution: Aegisthus kills to fulfil his father's curse against the house of Atreus; Clytaemestra kills in revenge for the sacrifice of her daughter, Iphigeneia. The audience never hears her make this oath, although she may allude to it when she reveals the bodies of Agamemnon and Cassandra (ὁρκίων ἐμῶν θέμιν, *Ag*. 1431). Unlike Tomyris, Clytaemestra makes her oath after the death of her child, but both mothers' oaths are motivated by anger. Of course there are more substantial differences, most notably that Clytaemestra is killing her own husband, not a rejected suitor and enemy invader. Tomyris is safely displaced in the East, and her oath results in the defeat of Greece's enemy. Clytaemestra incarnates the more dangerous concept of an autonomous Greek woman who kills a Greek king. But like the vow of Tomyris fulfilled by defiling the corpse of Cyrus, there is a certain perversity about Clytaemestra's occult pronouncement over the corpse of her husband. In keeping

34 Gould 1989,131.

35 As Hazewindus (2004, 173) notes, the decisive factor is not political, but maternal, i.e. Cyrus ignored her request to release her son.

36 Dewald 1981, 19–20.

with Zeitlin's identification of the theme of perverted sacrifice, we might ask if Agamemnon is a delayed version of an oath-sacrifice.[37]

7.1.7 Agency and abstinence

As the preceding discussion has argued, oaths are associated with women's agency in the literary sources of ancient Greece. Tomyris and Clytaemestra are extreme manifestations of this tendency. Their oaths are signifiers of a violent autonomy, but literature also represents oaths as means of containing women's activity or intervention. We have already explored oaths of celibacy in a religious context, with a brief excursus on the literary representation of the women's oath of celibacy in Aristophanes' *Lysistrata*. Oaths of sexual renunciation are a subset of what can be categorized more broadly as oaths of abstinence. With the exception of the two vows of ritual celibacy discussed earlier, abstinence oaths only occur in fiction. This is not to say that real women did not take vows to abstain from food, sex, speech or other pleasures, but only that these promises have not been recorded for posterity. Counted among the fictional oaths of abstinence are those of the Carian women of Miletus who, according to Herodotus (1.146) swore not to eat with their husbands or call them by name because these Athenian men had slaughtered all their male relatives. The horrific circumstances of their forced marriages were imprinted on the cultural memory of their descendants who similarly abstained from dining with or naming their husbands. As this legend illustrates, even oaths not to do something can enhance women's self-determination.

Another group of abstinence oaths in literary sources are oaths of silence. There are certainly instances when these vows aid and abet male characters. Eurycleia, whose chastity is emphasized (1.433), is a paragon of self-control in the *Odyssey*. Unlike the talkative and licentious maids (who reveal Penelope's unravelling trick to their lovers, the suitors), Odysseus' old nurse keeps important information to herself at critical points in the poem. Telemachus is preparing for his first journey abroad, an event that signifies his new coming of age, and one that has been prescribed for him by Athene in the guise of Mentor. Since he is trying to avoid the notice of the suitors and his mother, he completes his preparations in secret, but he cannot avoid Eurycleia, whose duties include watching over the door of the storeroom, and who assists Telemachus as he gathers sup-

37 Zeitlin 1965, 474. The usual meaning of *horkia*, the word (in the genitive plural) that Clytaemestra uses as she stands over her husband's corpse, is "oath-sacrifices". See further Lebeck 1971, 49 and Fletcher 2012, 48–50.

plies for his voyage. Telemachus asks the old woman to swear an oath not to "tell these things to my mother" until the "eleventh or twelfth day" (2.373–4); Eurycleia "swears the great oath of the gods" and she keeps her word.

The oath of Eurycleia is necessary for pragmatic reasons: it gives her a plausible excuse for not revealing the departure of Telemachus to Penelope until he is safely at sea. When Telemachus visits Helen and Menelaus at Sparta, Helen tells a story about recognizing Odysseus when he sneaked into Troy. She bathed and anointed him, and says that she swore a mighty oath (4.252–56) not to reveal Odysseus until he got safely beyond the city walls and back to the ships. Helen is an artful story-teller, who chooses and perhaps manipulates an episode that makes her look good in Telemachus' eyes, but conventionally her self-restraint is symbolized by an oath.

In Euripides' *Iphigeneia among the Taurians*, a play whose recognition scene is facilitated by an extensive scene in which Iphigeneia and Pylades exchange oaths, the Chorus of captive Greek maidens also swears an oath of silence (1077) to keep quiet about Iphigeneia's escape plan.[38] By refusing to reveal the plan to Theoclymenus, the Chorus enables Orestes, Pylades and Iphigeneia a safe passage back to Greece.

In all three cases women's oaths of silence are essential to ensure the safe journey of the protagonists of the story. More problematic is the oath of silence sworn by the Chorus of Troezenian women in Euripides' *Hippolytus*. In response to Phaedra's request that they keep silent about her passion for Hippolytus, the women swear by Artemis "to remain silent about these things" (713–14). Rather than shielding the hero of the tale, their oath prevents an innocent youth from speaking out when Theseus, believing Phaedra's letter accusing Hippolytus of rape, condemns his son to exile.

7.1.8 Conclusions

A reconstruction of women's use of oaths in the ancient Greek world encounters the familiar problem of recovering women's voices from an androcentric tradition. The Sophoclean character who claimed that a woman's oath is "written on water" probably meant it as a slur against female trustworthiness. But women's oaths were written on water in a different sense, because they were seldom recorded by historians, inscribed on stone, or mentioned in court unless they were in support of a man's legal agenda. Our historical sources' focus on military,

38 For further discussion of the oaths of Iphigeneia and Pylades, see Fletcher 2012, 194–202.

political, civic, legal and commercial issues leave major gaps in our knowledge of women's lives. There must have been numerous occasions when women needed or wanted to guarantee a promise by invoking a god, and even times when they managed to compel a man to swear an oath to them. In the public world of male endeavour these promises were seldom important enough to be noticed unless they had some consequences for men's own lives. Apollodorus ([Dem.] 59.76) spoke of a weathered stone at a sanctuary of Dionysus: its ancient inscription, barely legible, prescribed the oath of the Gerarai. No doubt there were other such inscriptions that specified the roles of priestesses. We know of this one only because it was useful to a litigious Athenian in a long-standing contest of political one-upmanship.

We follow a vaporous trail in search of women's formal promises. Oaths in poetry, drama, and the fables of Herodotus provide insight into the perceptions about women's use of *horkos*. Because the oath bound one party to certain behaviour, there is naturally an issue of power and control involved in oath-swearing that becomes especially pronounced and problematic when women are involved. According to one ancient source,[39] Aeschylus' *Hypsipyle* featured an oath sworn by the Argonauts to have sex with the women of Lemnos if they were allowed to come to shore. Whatever the ritual aetiology for this legend might be,[40] it succinctly reveals the dynamics of gender and agency implicit in *horkos*.

7.2 Servile swearing

A.J. Bayliss

Slaves and non-free labourers were not only the bedrock of ancient Greek society; they also made up a significant proportion – between 15% and 40% – of the population.[41] Given their numbers, it would be natural to assume that slaves would appear prominently in the literary and epigraphic records of oaths from archaic and classical Greece. But a search of the Nottingham database reveals only 110 oaths sworn by "chattel-slaves" and 2 by those of "semi-servile" status. This represents less than 3% of the entries in the database, which is to say the least disproportionate to the ratio of slaves to free in ancient Greece. But if this

39 The plot is described in a scholium on Ap.Rh. *Arg*. 1.769–73.

40 Burkert 1970, 9 suggests some form of *aischrologia* associated with the festival of the New Fire of Lemnos.

41 For a recent survey of modern scholarship on the numbers of slaves in Ancient Greece see Rihll 2011, 49.

figure seems disproportionately low, it is truly arresting to probe deeper. For if we exclude the informal oaths discussed in ch. 13 we find only nineteen oaths sworn by those of unfree status. This means that we have up to 40% of the population swearing less than 1% of the formal oaths recorded in Greek literature and inscriptions. The unfree are just as poorly represented as the recipients of oaths, with only 18 recorded formal oaths sworn to slaves and four sworn to those of semi-servile status. Again these numbers are not at all in keeping with the relatively high numbers of unfree individuals in the ancient Greek world.

Taken together, these statistics suggest that slaves and other unfree individuals did not frequently swear or receive oaths in the ancient Greek world. This is not surprising: generally speaking, slaves simply lacked the opportunity to swear oaths given the roles they played in society. Slaves were kinless, stateless, property,[42] and spent their days labouring for their owners. They lacked many of the basic rights accorded to the free, and as Fisher notes, "slaves were not seen as legally significant persons" in the Greek world.[43] A slave's sub-citizen status meant that the average slave lacked a citizen's opportunities for oath-swearing, and in particular lacked the kinds of opportunities that have an impact on our sources. Slaves swore no oaths of citizenship like the Athenian ephebic oath (unless of course they had ceased to be slaves). Slaves could not hold generalships, magistracies, or serve on councils, and therefore would swear no oaths of office, and they certainly could not swear oaths on behalf of the state, for they had no state to represent! Nor could they bring lawsuits in their own right, or testify as witnesses. In the Athenian courts their statements could only be submitted in writing after torture.[44] Even where slaves had legal significance – many slaves were employed in business – oaths were not typically required (see ch. 4). But in order to consider these issues further it will serve us well to examine what little evidence we have for oaths that slaves did swear and receive.

42 Garnsey 1996, 1.

43 Fisher 2010, 335.

44 This is not the time and place to argue the case for or against judicial torture (*basanos*) in Athens, but it seems safe to say that if it did not take place, the number of references to *basanos* in legal speeches seems odd and surely counterproductive to the cases in question. For the modern debate see Hunter 1994, Gagarin 1996, Mirhady 1996, 2000, Thür 1996b, Todd 1993.

7.2.1 In what contexts did slaves swear oaths?

The nineteen references to oaths sworn by slaves and semi-servile individuals from archaic and classical Greek sources represent in reality a total of fifteen *different* oaths. Table 1 provides details of these oaths. The oaths sworn by slaves can be divided into three groups:

(1) Assertory oaths: e.g. Silenus' oath that he was not selling his master's property (#9), Andromache's oath that she has not shared Neoptolemus' bed willingly (#7), and various oaths intended to demonstrate that the swearers are telling the truth (#4, #5, #7, #8, #10, #13);
(2) Promissory oaths to maintain silence (#3, #6);
(3) Anomalous cases where the swearers are not really slaves at all, including the characters Nicias, Demosthenes, and Cleon (in his guise as Paphlagon) who are cast as "slaves" to the people (Demos) in Aristophanes' *Knights* (#11, #12), a man who is attempting to prove that he is not a slave but rather a citizen (#14), and a purely hypothetical oath by a prisoner of war (#15).[45]

All but four of these references come from fictive genres (epic, tragedy, or comedy), and only one of the historical references concerns a genuine slave. This means that slaves had very little impact indeed on the historical record when it comes to oaths. This cannot be because slaves were deemed incapable of swearing oaths properly, because the vast majority of these oaths are true and trusted by the swearee(s), e.g. Andromache's oath to the world at large (#7), or the oaths of silence sworn by Eurycleia to Telemachus (#3), or the Chorus to Iphigeneia (#6). Not only are these oaths of silence maintained, their silence is central to the plot, and without the oath the free swearee's plans would come to nothing.

Even an oath by the loathsome Paphlagon in Aristophanes' *Knights* (#12) holds full weight. When vying with the free (but low-class) Sausage-Seller for Demos' favour, Paphlagon swears to Demos that he does not hate Demos and that he is the only man who stands firm and fights for Demos. The fact that Paphlagon's oath prompts the Sausage-Seller to swear a counter-oath that he loves and cherishes Demos, with a growing list of self-curses, suggests that Paphlagon's sworn statement was persuasive. Whereas Paphlagon curses himself to perish and be sawn in two and cut into yoke-straps if he breaks this oath, the Sausage-Seller begins by cursing himself "to be cut up and boiled with mincemeat", then moves

45 In fact, the vast majority of slaves swearing oaths in our sources are not typical chattel slaves, e.g. the 'noble' slaves of tragedy, the 'family' slaves of Homer, and immortals such as Silenus and Heracles.

Table 1 Oaths sworn by slaves and those of semi-servile status

	Reference	Swearer	Swearee	Type	Details	True/False	Believed
1	*IC* IV 72, Col. II, 11–16	Slave woman	Judge	Assertory	If a Gortynian slave woman was raped, if she swore an oath against her accuser her oath was to prevail.	n/a	Yes
2	*IC* IV 72, Col. II, 36–45	Serf	Judge	Assertory	If a man was caught as an adulterer, a Gortynian serf could testify under oath that he had been taken in the act of adultery and not by subterfuge along with free witnesses.	n/a	n/a
3	Homer, *Odyssey* 2.373–80, 4.744–49	Eurycleia	Telemachus	Promissory	Eurycleia swore that she would not tell Penelope that Telemachus was leaving Ithaca for eleven or twelve days, or until Penelope missed him. Only after Penelope realised that Telemachus was missing did Eurycleia reveal her oath.	Yes	Yes
4	Sophocles, *Electra* 47–50	*Paidagogos*	Orestes' relations	Assertory	Orestes attempts to convince his *paidagōgos* to swear a false oath that he is dead, but he does not actually swear.	Not taken	n/a
5	Sophocles, *Trachiniae* 225–57	Heracles	World at large	Assertory	Lichas reports that Heracles swore that he would make Eurytus a slave as he had been insulted by Eurytus. But Lichas' testimony is later contradicted, which suggests that Heracles did not actually swear this oath.	n/a	n/a
6	Euripides, *IT* 1077	Chorus	Iphigenia	Promissory	Iphigenia demands that the Chorus swear an oath of silence about her escape plan. Their silence facilitates her escape.	Yes	Yes

	Reference	Swearer	Swearee	Type	Details	True/False	Believed
7	Euripides, *Andromache* 37–8	Andromache	World at large	Assertory	Andromache swears that she did not share Neoptolemus' bed willingly.	Yes	Yes
8	Euripides, *Orestes* 1516–17	Phrygian	Orestes	Assertory	The Phrygian swears that his statement that Helen is justly dead was not made merely to placate Orestes. Although Orestes doubts the word of the Phrygian the statement is true because Helen's subsequent salvation is a miraculous event.	Yes	Not entirely
9	Euripides, *Cyclops* 262–9	Silenus	Cyclops	Assertory	Silenus swears that he is not selling the Cyclops' property to Odysseus.	Arguably	Not entirely
10	Euripides, *Cyclops* 270–2	Chorus of Satyrs	Cyclops	Assertory	The Chorus swear that they saw Silenus (in the process of) selling the Cyclops' property to the Odysseus.	Yes	Yes
11	Aristophanes, *Knights* 236, 257, 452, 475–9, 862	Nicias and Demosthenes	Co-conspirators	Promissory	Paphlagon makes five separate accusations about a sworn conspiracy between Nicias and Demosthenes (and others) against Demos. This accords with Aristophanes' claim in *Wasps* (488ff) that Cleon "detected" a new "subversive ring" every week or so.	n/a	n/a
12	Aristophanes, *Knights* 767–8	Paphlagon	Demos	Assertory	Paphlagon swears that he does not hate Demos, and that he is the only one who stands firm and fights for Demos.	Yes	Yes
13	Aristophanes, *Frogs* 305–6	Xanthias	Dionysus	Assertory	Xanthias swears to Dionysus that the monster Empusa has gone.	Yes	Yes

	Reference	Swearer	Swearee	Type	Details	True/False	Believed
14	Lysias 23.13	Pancleon	Presiding magistrate	Assertory	Pancleon swore that the case could not be brought before the court of the Polemarch because he was a Plataean and therefore eligible for Athenian citizenship. It is not entirely clear whether Pancleon was really a Plataean or a slave owned by Nicomedes.	n/a	n/a
15	*Dissoi Logoi* 3.6–7	Prisoner of war	Captors	Promissory	This passage discusses whether it would be right for a prisoner of war to break an oath to betray his own city.	n/a	n/a

on to "be grated with cheese into savoury mash", and finally to "be dragged by the balls on my own meathook to Cerameicus". This extended list of curses is presumably intended to trump that of Paphlagon, which implies that Paphlagon's oath *needed* to be topped despite the fact that he is merely a slave and the Sausage-Seller is a free man. But this does not necessarily mean that oaths by slaves would normally hold as much or more weight than those of the free. After all, Paphlagon is a highly trusted slave, whereas Demos and the Sausage-Seller have known each other for about ten minutes. The Sausage-Seller is also prone to perjury and proud of it (*Knights* 298, 1239; see §10.2).

It is striking then that the only "historical" oath by a slave in the Nottingham oath database, which comes from the Gortyn law-code (#1), appears to suggest that the sworn testimony of a slave could be deemed more trustworthy than that of a free man. The text indicates that if a man rapes a slave-woman he must pay a fine, and "the slave-woman shall be deemed oathier" (ὀρκιοτέραν δ' ἔμεν τὰν δόλαν). The situation envisaged here must be that both parties were challenged to swear to the truth of their respective positions, and that whoever refused to swear lost the case by default. It has been argued that this text means that in the event of both the accuser (the slave-woman) and the accused (the free man) swearing the accuser is to be deemed "oathier" i.e. believed.[46] This would mean that the sworn testimony of the slave would be more powerful than the sworn testimony of a free man. But it is more likely that this is what Parker calls an "action-deciding oath",[47] whereby only one of the two was required to swear. In this scenario the judge would direct the woman making a complaint to swear an oath, and that the accused would be found guilty if and only if she swore. If she did not swear, the accused would probably not be asked to swear at all (S&B, 64–5). Therefore, rather than demonstrating that the oath of the slave was more powerful than that of the free, the sworn word of the slave was deemed more powerful than the *unsworn* testimony of the accused.

In stark contrast to Athens where slave testimony was not admissible in court except via torture, the Gortyn law-code also allows for serfs who had semi-servile status to swear in court (#2). When a serf captured a free man in the act of adultery he was permitted to testify in court along with his master and one other witness. They would all swear that "they took the defendant in adultery and not by subterfuge", invoking solemn curses upon themselves. Again, the intention of this oath – albeit not the actual wording – is to assert that the semi-servile

46 Gagarin 1997, 126. Austin &Vidal-Naquet (1977, 260) describe this legislation as "a remarkable rule which would have been inconceivable in a state based on chattel-slavery".
47 Parker 2005b, 72.

swearer is telling the truth. The fact that the male serf needs his master in court with him makes the situation in Gortyn seem more like Athens than an initial reading of these texts suggests.

But while the majority of oaths sworn by slaves are valid and seen to be so by the recipients, several are so ambiguous that they give us pause for thought. Silenus' oath to his master the Cyclops when he has been accused of selling the Cyclops' property to Odysseus (#9) is a case in point. This oath is sworn in response to Odysseus swearing to the Cyclops that he and his men came from their ships wishing to buy food and that Silenus was selling them sheep in exchange for a cup of wine, and that there was no violence involved. Odysseus' oath compels Silenus to respond with a counter-oath in order to defend himself. But instead of making a simple denial Silenus swears that he is *not currently selling* the property. As will be discussed below (§§10.1, 10.2), this oath is ambiguous to say the least, because Silenus' use of the present infinitive could be construed to mean either that he is *not currently selling* the property, or (corresponding to the imperfect indicative) that he *had not been selling* the property. If it was the former, Silenus' oath is true because he is not now engaged in selling property to Odysseus. But if the latter, his oath is manifestly false. Furthermore, Silenus' dubious oath prompts another counter-oath, this time by the chorus of satyrs (#10) who swear that they have seen Silenus in the act of selling his master's property. But if Silenus' dubious oath tempts us to think that the sworn testimony of slaves was not necessarily trustworthy, the fact that the oath of the Chorus is manifestly true should give us pause. Yet the Cyclops accuses *them* of lying rather than Silenus, which perhaps brings us back to square one!

The oath sworn by the Phrygian slave in Euripides' *Orestes* (#8) is also dubious. Orestes' encounter with the slave takes place after he has slain Helen and her Phrygian slave has fled from him in terror. When Orestes accuses the slave of calling out to Menelaus to come to the rescue, the slave claims that he was shouting to help Orestes because he was more deserving. But we know that he has already reported (out of Orestes' hearing) that "with a loud cry from the house we battered down with bars the doors and doorposts where we had been, and ran to her assistance from every direction" (*Or.* 1474–6). Orestes – rightly – does not believe the slave and demands to know whether he believes that Helen died justly. The slave claims that he believes so, but Orestes still does not believe him, claiming, "Your cowardice makes you glib; this is not what you really think" (1514). When the Phrygian repeats his belief that Helen deservedly died because she destroyed Hellas and the Phrygians, Orestes still does not believe him and demands that the slave swear that he is not saying so merely to humour him, threatening to kill him if he refuses to swear. The Phrygian responds, "I swear by my life, an oath I would keep!" (1517). But even then Orestes seems unconvinced, and demands of the Phrygian whether

"every Phrygian in Troy showed the same terror of steel as you do?". Although it is not absolutely clear that his oath is false,[48] the Phrygian's "flamboyant effeminacy" does not inspire confidence in Orestes or presumably the audience.

When it comes to assessing the trustworthiness of slaves vis-à-vis oaths perhaps the most significant oath is the one that is not sworn (#4). At the opening of Sophocles' *Electra* (47–50) Orestes orders his faithful old *paidagōgos* to swear a false oath that Orestes had been killed at the Pythian games.[49] But the *paidagōgos* is not prepared to go as far as Orestes would like. Instead he merely *says* that Orestes is dead, rejecting what Finglass calls Orestes' "cavalier approach to perjury".[50] Blundell sees the demand that his slave swear a false oath as showing the audience just how far Orestes is prepared to go to exact revenge.[51] On the other hand Finglass argues that "by the Paedagogus' next entry the minds of the spectators will not be on whether the Paedagogus is following Orestes' instructions to the letter".[52] But it is highly tempting to think that this was part of Sophocles' plan. How better to show that Orestes is desperate than to show even a slave recognising that it would be wrong to carry out his plan to the letter? But again we have a moral mixed message. Is the slave's recognition that Orestes is demanding something that is wrong a signal that the Greeks believed that slaves normally knew the value of an oath? Or does the story have greater impact because the average Greek would have believed that slaves would not normally do so?

7.2.2 In what contexts did slaves receive oaths?

Another angle we can take to help assess Greek attitudes to slaves and oaths is to analyse the meagre evidence we have for oaths sworn *to* slaves and semi-servile individuals. Table 2 details these 13 different oaths from archaic and classical Greek sources.[53] These oaths can be divided into three rough groups:

48 Fletcher 2012, 393.

49 The fact that the old slave tells his story of Orestes' "death" in elaborate fashion has led some modern commentators to emend Orestes' order to tell his story "adding an oath" (*horkon*) to read "in lofty style" (*onkon*), e.g. Batchelder 1995, 30; Jebb 1894; Kells 1973; Kamerbeek 1974 to name but a few. But there is no need to doubt that Orestes insists on an oath, or that the *paidagōgos* refuses to swear it.

50 Finglass 2007, 106. See L. Macleod 2001, 35 n33.

51 M.W. Blundell 1989, 173.

52 Finglass 2007, 106–7.

53 This total excludes references to the oaths sworn to each other by the "slaves" Nicias and Demosthenes in Aristophanes' *Knights*.

Table 2 Oaths sworn to slaves and those of semi-servile status

	Reference	Swearer	Swearee	Type	Details	True?	Believed?
1	Homer, *Odyssey* 14.151–73, 391–2	Cretan Beggar = Odysseus	Eumaeus	Promissory	The Cretan swears that Odysseus is coming home and will be back some time during that same year and will take his vengeance upon anyone who dishonours his wife and son.	Yes	No
2	Homer, *Odyssey* 14.393–400	Cretan Beggar = Odysseus	Eumaeus	Promissory	The Cretan tries to swear that if Odysseus does not return to Ithaca Eumaeus can kill him, but if Odysseus does return Eumaeus will have to give him a tunic and a mantle and send him on his way to Dulichium. Eumaeus refuses to accept the oath.	n/a	n/a
3	Homer, *Odyssey* 15.435–8	Phoenician sailors	Phoenician woman	Promissory	The Phoenicians swear that they will take the woman home safely. As a result of the oath the Phoenician woman feels safe in sailing with the men. It also prompts her to offer gold and Eumaeus as possible ransom. In the end the sailors do not fulfil their oath, but this is due to the divine intervention of Artemis killing the woman on the voyage.	Yes	Yes
4	Homer, *Odyssey* 20.227–34	Cretan Beggar = Odysseus	Philoetius	Promissory	The Cretan swears that Odysseus will come home to Ithaca while Philoetius is there. Philoetius rejects the oath, but responds, “If only the son of Cronus would fulfil his word”, thus demonstrating his loyalty to Odysseus.	Yes	No

	Reference	Swearer	Swearee	Type	Details	True?	Believed?
5	Aeschylus, *Choephoroi* 984–90	Orestes	Chorus	Assertory	Orestes swears that he pursued his mother's death justly. This he sincerely believes, as does Apollo, and Athena secures his acquittal at his trial in Athens, though half the Areopagus councillors apparently judge otherwise.	Yes	Yes
6	Herodotus 3.133–4	Atossa	Democedes	Promissory	Atossa swears that she will give Democedes whatever he asks. Democedes volunteers not to ask for anything shameful.	Yes	Yes
7	Thucydides 1.103	Spartans	Messenian helots	Promissory	In 455 the Spartans swore that they would not attack the Messenians if they left the Peloponnese and agreed never to set foot in it again.	Yes	Yes
8	Euripides, *Helen* 348–59	Helen	Chorus	Assertory	Helen swears that if Menelaus is dead she will kill herself. Menelaus is not dead; therefore Helen does not need to fulfil the oath.	Yes	Yes
9	Euripides, *Hippolytus* 611–12; Aristotle, *Rhetoric* 1416a31–2	Hippolytus	Nurse	Promissory	Hippolytus swears that he will not reveal what he is told by the nurse. Hippolytus later utters the notorious line, "my tongue swore, but my heart is unsworn". But ultimately Hippolytus kept his oath.	Yes	Yes
10	Euripides, *Ion* 1478–87, 1528–31	Creusa	Ion	Assertory	Creusa swears that she lay with Apollo and bore him a son (Ion).	Yes	Yes

	Reference	Swearer	Swearee	Type	Details	True?	Believed?
11	Aristophanes, *Frogs* 579	Dionysus	Xanthias	Assertory	Dionysus swears that he loves Xanthias, but Xanthias does not believe him and refuses to swap clothes with him. This prompts Dionysus to swear another oath (#12).	Yes	No
12	Aristophanes, *Frogs* 586–8	Dionysus	Xanthias	Promissory	Dionysus swears that he will never take the gear back from Xanthias. After this oath Xanthias swaps clothes with Dionysus.	Yes	Yes
13	Xen. *Hell.* 1.2.18	Spartans	Messenian helots	Promissory	In 409 the Spartans allowed the Messenians who had fled from Malea to Coryphasium (Pylos) to depart under a sworn truce.	Yes	Yes

(1) Assertory oaths designed to convince, reassure, or cajole a slave (#5, #8, #10, #11);
(2) Promissory oaths guaranteeing that the unfree individual will not be harmed (#3), or that some good will occur (#1, #2, #4, #6, #12), and Hippolytus' notorious oath of silence (#9);
(3) Sworn truces between the Spartans and rebellious Messenian helots (#7, #13);

As with oaths sworn by slaves, the vast majority of these references come from epic, tragedy and comedy, with only three (#6, #7, #13) coming from historical texts. Similar to oaths sworn by slaves, these oaths are true and/or kept. This suggests that the free were just as careful with oaths sworn to slaves as they were with oaths sworn to the free on the rare occasions they swore oaths to them. This should come as no surprise, because keeping or breaking an oath had nothing to do with the status of the swearee. The gods could punish the free man for violating an oath to a slave just as easily as they could punish him for violating an oath to a free man. It would be the name of the god – not that of the slave – that would be taken in vain by the perjurer.

Although these oaths are uniformly true, it is surely significant that not all are believed by the slaves who receive them, and one is even rejected before it is sworn. Three of these examples are promissory oaths sworn by Odysseus to his slaves Eumaeus and Philoetius while in his guise as the Cretan beggar. Odysseus swears two oaths to Eumaeus the swineherd (#1, #2) in order to test his loyalty. The first oath is to the effect that Odysseus is coming home and will be back some time during that year and will take his vengeance upon anyone who dishonours his wife and son. Eumaeus rejects the oath, presumably because in his guise as the Cretan Odysseus appears unable to deliver on his promise. If Eumaeus knew what we as the audience know, things would surely have been different. Eumaeus' rejection of the oath prompts the second, that if Odysseus does not return Eumaeus can kill the beggar, but if Odysseus does return he shall be given a tunic and a mantle and sent on his way to Dulichium. Odysseus thus places Eumaeus in an impossible position. If, as he expects, Odysseus does not return, he will have to choose between a violation of the oath and a violation of the laws of hospitality, with divine punishment a certainty either way. From Odysseus' point of view, of course, that makes the oath a very handy device for testing Eumaeus' loyalty. Odysseus goes on to swear an oath to Philoetius the cowherd (#4) which is extremely similar to that which he swore to Eumaeus, namely that Odysseus will return while he is still there. Like Eumaeus, Philoetius rejects the oath. Again, this is presumably because the Cretan lacks credibility. But Philoetius' response, "if only the son of Cronus would fulfil this word!" demonstrates

his loyalty to Odysseus, which was surely Odysseus' purpose in swearing the oath in the first place.

In Aristophanes' *Frogs* (#11) Dionysus' slave Xanthias likewise rejects an oath from his master. Dionysus swears that he loves Xanthias in order to convince Xanthias to swap clothes with him, but Xanthias is so unimpressed by Dionysus' oath professing his love that he only agrees to a swap on condition that Dionysus swears an additional oath (#12) that he won't take the gear back. Dionysus does indeed swear that oath, and Xanthias accepts the exchange. But the fact that the curse condemns not only himself to a wretched death (not possible for a god) but also promises the destruction of his wife and children (presumably long dead) and Archedemus (the unpopular architect of the Arginusae trial) reduces the impact of the oath (see §7.3.2). One could see Xanthias' refusal to believe Dionysus as a signal that slaves did not necessarily trust their master's sworn word, but it could also be that the scene was merely designed for comic effect.

It is tempting to see these oaths sworn to slaves as somewhat anomalous given that the majority of the swearers are individuals of liminal status. For example, Orestes is a returning exile planning to murder his mother; Hippolytus is an illegitimate son tangling with his father's new and legitimate wife;[54] Atossa, Helen, and Creusa are women in trouble, and in Helen's case a refugee to boot; while Odysseus has liminal status in that he is swearing in his guise as an itinerant beggar rather than his true self. Even Dionysus has dubious status in that he is being portrayed, for comic effect, as extraordinarily cowardly for a god. Given that there are so few oaths sworn to slaves, one could argue that their liminal status suggests that it was not entirely normal for free men and women to swear oaths to slaves.

The case of Hippolytus is crucial in this sense. Hippolytus has been seen as out of step with the rest of society in swearing his oath of silence to the slave woman. Mirhady argues that "the Nurse, as a slave, was not qualified to swear oaths; she should not have demanded one from Hippolytus".[55] In a similar vein Fletcher argues that Hippolytus' oath to the nurse disrupts the status quo. She equates Hippolytus' oath with that of Jason to Medea, and argues that "there was a certain anxiety about women using oaths to obtain power over men".[56] Given the dearth of evidence for oaths sworn to slaves it seems doubtful that a typical Athenian teenager – particularly one who was as sure as Hippolytus was that all women were wicked – would have considered swearing an oath to his mother's or

54 Fletcher (2012, 127) calls Hippolytus "a problematic liminal figure".
55 Mirhady 2004, 31.
56 Fletcher 2012, 178.

stepmother's nurse as Hippolytus did. Perhaps that was Euripides' point in retelling the story that way. Given that Hippolytus' oath will cost him his very life it is tempting to think that Euripides' Athenian audience was meant to see Hippolytus as a fool to swear his oath to the nurse in the first place.

7.2.3 Were slaves normally considered unworthy of swearing and receiving oaths?

Was Hippolytus wrong to swear an oath to a slave? Would a more authoritative figure have behaved differently? The manner in which Hippolytus surrenders control to the slave woman by swearing an oath of silence stands in strong contrast to the way in which Telemachus shows his dominance over Eurycleia by demanding an oath of silence from her. This would seem to confirm our suspicions. But while Telemachus can be seen as stronger than Hippolytus, one can also see Telemachus as weak in demanding an oath of silence from Eurycleia, because an oath exchange implies a degree of autonomy on the part of both swearer and swearee.[57] Thus, when Telemachus demands an oath of Eurycleia he is effectively admitting that the nurse has some freedom of action. Karavites explains the apparent anomaly by arguing that Telemachus needed to demand this oath because of Eurycleia's loyalty to Penelope.[58] But it is worth bearing in mind that his father Odysseus allows Eurycleia no such latitude when he requires her silence after she discovers his true identity in book 19. Rather than requiring an oath of silence from her in the way that his young son did, her real master grabs Eurycleia around the throat and threatens to kill her if she reveals his identity.

Odysseus' style of dealing with his slave is very much in keeping with that of the speaker of Lysias' speech *On the Murder of Eratosthenes*. When Euphiletus learns that his wife has been seduced by another man, he grabs hold of his slave girl and gives her a blunt choice: (1) to be whipped and then sold to work in a mill or (2) to tell the truth about his wife's adultery.[59] It is surely telling that Euphiletus does not demand an oath to back up her story, but rather threatens to

57 Karavites (1992, 79) argues that "the demand of an oath to be taken by an inferior in class or authority is predicated by the asker himself on the assumption that the inferior party enjoys some degree of autonomy".

58 Karavites 1992, 79.

59 Euphiletus' threats also match the suggestion of the slave belonging to Eratosthenes' abandoned lover to "take" the girl and to "torture" her in order to gain the truth (Lys. 1.16).

torture the girl as if evidence were being gathered for a court case. It cannot be that Euphiletus did not require oaths because he trusted the girl; why else would he threaten her with violence? Furthermore, Euphiletus makes it clear that he places little value in her words, when he bluntly informs her "I require that you show me their guilt in the very act; *I want no words*, but manifestation of the fact, if it really is so".[60] Thus, it seems more likely that Euphiletus did not demand an oath because he considered it inappropriate to do so. The obvious explanation would be that he did not want to allow the girl the autonomy an oath would imply. This could also explain why when the girl begs him to guarantee her safety Euphiletus merely *pledges* to protect her rather than offer her an oath. Moreover, having refused to swear an oath to his slave, Euphiletus once again passes up an opportunity for the girl to add an oath to reinforce the agreement, despite the fact that he makes it clear that silence is vital to his cause. Rather, Euphiletus adds a catch to his pledge – only if the girl keeps the whole affair secret will their "agreement" be binding. Euphiletus is thus able to assert his authority over his slave by not swearing oaths himself, and by denying her the opportunity to do so. It may also be that Euphiletus felt that it was unwise to swear to protect her in case it proved necessary to allow her to be tortured to provide "evidence" later.[61] Euphiletus could therefore be seen as scrupulous in not over-committing himself to his slave. One wonders, however, how an Athenian jury would have interpreted his promise instead of an oath. Would they have approved of his scruples? Or would even a promise have seemed weak in comparison to Odysseus' rough handling of Eurycleia? Unfortunately the dearth of evidence leaves us in the dark so to speak.

7.2.4 Where might slaves have sworn oaths that do not appear in the record?

The dearth of evidence for slaves swearing and receiving oaths strongly suggests that they did not frequently do so. The fact that the majority of the attested cases are anomalous strongly implies that they hardly ever did so. But this takes us firmly into the realm of the *argumentum ex silentio*. It is of course entirely possible that slaves did swear and receive oaths more frequently than our sources

60 Euphiletus would also presumably have been hoping this would demonstrate to the jurors that he had been careful to ascertain the truth, rather than merely relying on the word of his slave.

61 Euphiletus later (37) stresses that his opponents allege that he ordered the girl to entrap Eratosthenes. Although he does not mention it, surely they would have argued that Euphiletus was refusing to hand over the girl for torture. Given the frequency of such claims it would surely have been odd if they did not. See Carawan 1998, 294, for the argument that they did not.

suggest. It is worth bearing in mind that the vast majority of oaths sworn by slaves recorded in the Nottingham oath database are informal oaths (see ch. 13). These informal oaths account for some 84% of all the oaths sworn by slaves. The vast majority (89%) of the informal oaths sworn by slaves are unambiguously true, which strongly suggests that slaves knew the value of an informal oath.

Significantly, almost a third of these informal oaths are sworn by slaves to other slaves. Remarkably 26 out of the 27 informal oaths between slaves are obviously true, which is a far better strike rate than oaths sworn between the free! Given that so many of the informal oaths sworn by slaves were uttered to other slaves, it is tempting to speculate that slaves would have sworn formal oaths to each other more frequently than our sources suggest. The answer to why slaves had such little impact on our oath data would not be that slaves did not frequently swear or receive oaths, but they did not frequently exchange oaths with the free, and that our elite sources were therefore not interested in talking about the majority of the oaths that they were swearing.[62] This may suggest that, in the well-known formulation of Orlando Patterson, slavery was seen as a form of "social death".[63] At the very least, it suggests that when it came to oaths in archaic and classical Greece slaves were seen as largely irrelevant. Nonetheless, the examples we have discussed show that for Euripides, Sophocles, and Aristophanes oaths sworn by slaves and to slaves were occasionally useful "to think with".[64]

7.3 The oaths of the gods

I.C. Torrance

7.3.1 The river Styx

It should be expected that oaths sworn by divinities differ in some important respects from oaths sworn by mortals, and our sources provide some fascinating details regarding the ways in which the gods were imagined as swearing in ancient Greek thought. Since an oath requires the guarantee of a power greater

62 The exception to this rule is the genre of comedy. All of the examples of informal oaths between slaves come from comedy except for the chorus of satyrs in Sophocles' *Ichneutai* (fr. 314): eight from Aristophanes' *Frogs*, sixteen from *Knights*, three from *Peace*, and four from *Wasps*. But given the prominence of slaves in comedy this is not at all surprising.

63 Patterson 1982.

64 This section was much improved by stimulating debate with Niall McKeown. I trust that the final result does justice to his efforts to assist me. Any errors are entirely my own.

than the swearer, the gods can hardly invoke themselves as oath witnesses (although Poseidon does in a comic passage discussed below). Divinities tend to invoke powers older than themselves in the oaths they swear.[65] Zeus, or the head of Zeus, can be and is invoked as oath-guarantor by many other gods, as we shall see, but the river Styx is identified as the official oath-guarantor of the gods in Hesiod's *Theogony* (400),[66] and a libation of water from the Styx was a binding guarantee for a divine oath (*Thg.* 784, 793). The installation of Styx as oath is of central importance in Hesiod's representation of Zeus' social and political order not only because it provides a method of conflict resolution among the gods (*Thg.* 782–5), but also because the children of Styx (Zeal, Victory, Power and Force, *Thg.* 384–5) come under the control of Zeus through their mother.[67] A fragment from an unidentified work by Aristotle (fr. 821 Gigon) explains that Styx's daughter Nike (Victory) had helped the gods in their struggle against the giants, and in exchange for her good deed, Zeus ordered the gods to swear their oaths by Nike's mother Styx. An alternative, philosophical, explanation given is that water is the mother of all things, and the poets call the river Styx the mother of the gods.

The immortal nature of the gods naturally means that they cannot die if they commit perjury. Hesiod also describes for us the punishments for divine perjury, which include lying in a comatose state for one year and subsequent exclusion from participation in divine life for a further nine years, with reintegration possible only in the tenth year (*Thg.* 793–806). Empedocles in his *Katharmoi* (fr. 115 D-K, 1–12) gives a slightly different account of consequences for divine perjury, where punishment includes wandering apart from the gods for thirty thousand seasons among mortals, exchanging one hard way of life for another, being pursued by the strength of the air and the sea and being spat out by the sea on the ground in the rays of the shining sun and the swirl of the wind, hated by all. Extended exile and suffering are thus common denominators in both versions, and it seems that Empedocles was influenced by Hesiod in his formulation.[68]

Styx or its waters are invoked as oath witness by several divinities swearing formal oaths. Demeter swears the "oath of the gods" on the harsh water of the Styx in the *Homeric Hymn to Demeter* (259). The mighty water of the Styx is "the great oath of the gods" in the *Homeric Hymn to Hermes* (518). Hera com-

65 Cf. Janko 1992 *ad* 14.271–9.

66 M.L. West 1966, *ad* 400 compares Styx in the divine realm to Horkos, the personification of oath, in the world of men.

67 See Clay 2003, 7, 22, and cf. Lincoln 2012, 16–17.

68 M.R. Wright 1981, 65 with n.33 observes the similarities between D-K fr. 115.12 and *Theog.* 800. On Empedocles as the *daimon* now in human form, see M.R. Wright 1981, 69–76.

mands Hypnos (Sleep) to swear an oath to her on the inviolable water of Styx (*Iliad* 14.271). In Pindar (*Ol.* 7.64–8), the "great oath of the gods" which Lachesis is instructed to keep should be understood as an oath on the river Styx.[69] The combination of Gaia (Earth), broad Ouranos (Heaven) above, and the dripping water of the Styx, is a formulaic triad of oath-guarantors invoked by divinities in epic. In three Homeric passages, the same language is used verbatim, once by Hera in the *Iliad* (15.36–8), once by Calypso in the *Odyssey* (5.184–6), and once by Leto in the *Homeric Hymn to Apollo* (84–6).[70] In all three cases, Styx is "the greatest and most dread oath among the blessed gods" (*Il.* 37–8 = *Od.* 185–6 = *h. Ap.* 85–6). A paraphrase of this formula is used in Demosthenes *Against Boeotus II* where Mantitheus claims that Plangon deceived his father "with an oath, which seems to be the greatest and most dread among all humankind" (Dem. 40.10). The context of the deception was as follows. Mantitheus' father, Mantias, had agreed to pay Plangon thirty minae if she declined an oath-challenge to swear that he was the father of her sons. She agreed but double-crossed him by accepting the challenge and thus forcing Mantias to acknowledge the sons as his own.[71] Mantitheus claims that Plangon swore an oath agreeing to this arrangement (Dem. 39.3) and accuses her of manifest perjury (Dem. 40.2). We are never told exactly what she swore, however, and she may have phrased her oath cleverly in order to avoid perjury, in spite of Mantitheus' accusation. The paraphrase from the *Iliad* is clearly meant to emphasize the gravity of her deception, which is, by implication, presented as equal to Hera's use of the oath to deceive Zeus (discussed in more detail below).

Being transposed into the realm of humankind, the oath referred to by Mantitheus contains no reference to the river Styx. According to Herodotus (6.74), the Arcadians believed that the waters of the Styx were visible at a spring in the town of Nonacris, but the story that the mad Spartan king Cleomenes tried to make the Arcadian leaders swear oaths to him by the water of the Styx is obviously a sign of his degeneration into lunacy.[72]

69 Pindar's sixth *Paean* also contains a fragmentary reference to the oath of the gods on Styx (fr.52f.155).

70 Clay 2006, 39, notes that Leto's oath "is not treated in the usual epic manner" since Leto modifies the suggested phrasing; cf. also Fletcher 2008, 29, who observes that Leto's oath to Delos "is carefully phrased so that it emphasizes Apollo's honors more than Delos' rewards".

71 This is our only surviving example of an oath-challenge being accepted; see further S&B 103–4.

72 Cf. M.L. West 1966, *ad* 400, *pace* Hirzel 1902, 174f.

7.3.2 The head of Zeus

In addition to oaths by Styx, the invocation of the head of Zeus seems to be an exclusively divine formula. In the oath sworn by Hera to Zeus in *Iliad* 15 (36–46), she invokes not only the formulaic triad discussed above but also Zeus' head and their sacred marriage bed. These forces are listed, surely, as part of Hera's manipulation of Zeus. The oath she swears is extremely deceptive, claiming that it is not by her will that Poseidon is harming the Trojans and helping the Achaeans, when in fact Poseidon would not have taken any action had he not been told by Hypnos (Sleep) that it was safe to do so (14.354–60), and Hypnos is executing Hera's business. The oath seems false and Callaway argues that the oath is unsworn.[73] Callaway's arguments overlook the fact that calling the gods to witness, which Hera does at *Il.* 15.36 with the word *istō* "let x know", is *in itself* an act of oath-taking.[74] Nevertheless, Callaway is correct to point out that Hera is careful with her use of language since she did not explicitly order Hypnos to speak with Poseidon. This means that there is enough of a break in the chain of causation for Hera to be able to swear this oath with impunity.[75]

Both additional sanctifying witnesses, the marriage bed and Zeus' head, appeal to the relationship between Zeus and Hera. The significance of the marriage bed is obvious,[76] but parallel oaths in which female divinities invoke the head of Zeus demonstrate that this oath formula is associated with chastity. In Sappho (fr. 44A.4–7) Artemis swears by Zeus' head that she will always be a virgin hunting on the mountain peaks, and in the *Homeric Hymn to Aphrodite* (26–8), Hestia swears by Zeus' head that she will remain a virgin for all time.[77] Of course we remember also that the virgin goddess Athene was born from Zeus' head. In the Iliadic passage, then, Hera may well be stressing her fidelity to Zeus as a way of manipulating his affections by invoking his head. An unusual oath in Euripides' *Helen* where Helen invokes the head of her husband as sanctifying witness underlines both her chastity and her predicted apotheosis.[78]

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73 Callaway 1993, 17–21.

74 See ch. 1 on what constitutes an oath and what does not.

75 See §10 for further examples of manipulation of oath-language.

76 Callaway 1993, 18, emphasizes that the bed symbolizes the union between Zeus and Hera and gives extra gravity to her oath, but implies that it is not a heavenly power, which seems unjustified.

77 On the links between the *Homeric Hymn to Aphrodite* and Lesbian poetry, see Faulkner 2008, *ad* 25–32 and pp. 45–7.

78 See Torrance 2009.

Our only other two examples of referencing the head of Zeus in oaths are abortive. In the *Homeric Hymn to Hermes* (274–6), Hermes offers to swear an oath by Zeus' head but never actually does so, and in Sophocles' *Women of Trachis* the dying Heracles asks his son to swear an oath on Zeus' head (1185) but Hyllus invokes only Zeus (and not his head) in his oath (1186). The exchange between Heracles and Hyllus seems to confirm that the oath by Zeus' head is restricted to divinities. Hyllus, who is certainly not divine, does not use the formula, in spite of being instructed to do so, while Heracles' imminent apotheosis is emphasized by his suggestion of this particular sanctifying witness.[79]

7.3.3 Hermes and Hera

As we have seen, Hermes and Hera both manipulate the oath by Zeus' head to suit their purposes. More than any other gods, Hermes and Hera use oaths and oath-language as tools for their own benefit. In the *Homeric Hymn to Hermes*, the infant Hermes first offers to swear the oath by Zeus' head (274–6) stating that he is not responsible for stealing Apollo's cattle (even though he is) but avoids perjury by never actually swearing the oath.[80] Next he swears (by way of a self-curse)[81] that he did not drive the cattle home (*oikade*) nor cross the threshold (379–80), which is technically true since the cave in which he has hidden the cattle is not his *oikos*,[82] and he had slipped in through the keyhole (146). Then he swears a great oath by the "finely adorned porches" of the gods stating that he will never pay Apollo compensation for the theft (384–5). Hermes thus cleverly implies that he is innocent of the theft without compromising himself on oath.[83] When given

79 Cf. Torrance 2009, 4.

80 Callaway 1993 and Fletcher 2008 both recognize this oath as offered, with the future "I will swear" (*omoumai*), but unsworn. Vergados 2012, *ad* 274–7 disagrees stating that "Hermes' words at 275–6 are simultaneously the oath's tenor and execution". The problem with this analysis is that Hermes uses the expression "I promise" (275: *hupiskhomai*) which is a clear indication that he is not swearing the oath. Gagarin 2007, 45–6 argues that, in a judicial context, "oath-offers are treated as equivalent to oaths", but that there is a difference in Greek thought between religious oaths and rhetorical oaths, the latter being "technically not oaths but oath-offers" (46).

81 The formula ὡς ὄλβιος εἴην "so may I prosper" (*h.Herm.* 380), i.e. if I am telling the truth, includes within its scope the opposite implication of "so may I suffer if I am lying".

82 The term *oudos* "threshold", used here (*h.Herm.* 380), refers especially to the threshold of a house (see *LSJ s.v.* οὐδός).

83 Callaway 1993, 22–3, followed by Fletcher 2008, 20–1, argues that the oath remains unsworn. The text quoted above (M.L. West 2003b) implies that the oath *is* sworn, but there are some textual issues here. μή is West's emendation for καί at the beginning of line 385. καί would break

the choice by Apollo to nod in assent or to swear a great oath confirming that he will never steal Apollo's lyre or bow, Hermes avoids binding himself with an oath and promises by nodding his assent (514–23).[84] The contrast between the deceptive Hermes and the truth-telling Apollo is also marked through oath-language, when Apollo swears to introduce Hermes to the immortals to enjoy prestige and fortune, to give him fine gifts and *never to deceive him* (460–2). It seems important that neither Apollo nor Zeus is fooled by Hermes' deception,[85] and the final oath-reference of the hymn demonstrates Apollo's seniority over Hermes. Neither Hermes nor any of the other gods can know the destinies that Zeus contrives, since Apollo has sworn a "powerful oath" that none but he shall know these things (535–8). Oath-language thus restores the balance of power. The tricks of Hermes are no match for Apollo's prophetic knowledge.

Hermes in the *Homeric Hymn* is cast as skilled in the manipulation of oath-language, and the two examples from Aristophanes in which Hermes swears oaths confirm this general characterization within the remit of comedy. The gods in comedy are both revered and derided, and Hermes is no exception. The oath sworn by Hermes in *Peace* comes in a sequence which makes a mockery of his traditional abilities to use clever or ambiguous language.[86] Having hurled a torrent of abuse at Trygaeus, calling him a villain (*miaros*), an arch-villain (*miarōtatos*), an utter villain, and an arch-villain of all villains in the space of two lines (183–4), Hermes then asks Trygaeus his name, his place of birth and his father's identity. To each question, Trygaeus responds "Archvillain", turning Hermes' language back against him (185–7). Finally, in exasperation, Hermes swears an oath invoking Earth that Trygaeus will die if he does not say what his name is (188–9). The oath works and Trygaeus immediately gives his true identity. In this scene then, Hermes uses an oath to elicit the information he desires but not in the way we might expect. He manages to regain control of the situation by swearing an oath but Trygaeus is the one who comes off as witty. In *Wealth*, by contrast, Hermes

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the sequence in which case, as discussed by Vergados 2012 *ad* 384 and 385, the oath-formula remains without any accompanying statement. See also N.J. Richardson 2010 *ad loc.* on the textual problems in this passage. Whichever way we read the text, whether the oath is sworn or unsworn, Hermes avoids perjury.

84 Fletcher 2008, 24–8, treats this oath as sworn in an exchange of friendship with Apollo, but Hermes is said to *promise* by nodding his head (521: ὑποσχόμενος κατένευσεν), so that he avoids swearing an oath once again! Vergados 2012 *ad* 554 comments that nodding the head "is not a form of oath elsewhere", and it seems that it is not a form of oath at all.

85 Observed by Fletcher 2008, 19.

86 Hermes is the god most commonly credited with the invention of language. See Gera 2003, 115–18.

swears the kind of deceptive oath which might be expected from him. When he is asked by Carion whether it was he who had knocked hard on the door, he denies it emphatically with an informal oath by Zeus (1101–2). Hermes had, in fact, knocked on the door, in full view of the audience. However, it is still possible for him to assert, without committing perjury, that he had not knocked *hard*.[87] These two comic oaths sworn by Hermes, then, encapsulate both aspects of the representation of gods in comedy. Hermes' traditional associations with manipulation of language are underlined in *Wealth*, while they are challenged in *Peace*.

The female counterpart to Hermes as divine manipulator of oaths is Hera,[88] and her strategies are comparable if not identical. We have already seen how Hera swears a duplicitous oath to Zeus about the involvement of Poseidon in harming the Trojans. She does not volunteer oaths which are then left unsworn, as does Hermes, but she does swear and elicit several oaths in order to achieve her plans behind Zeus' back. Hypnos only agrees to help Hera by putting Zeus to sleep after she confirms on oath her promise to grant him Pasithea as a reward (*Iliad* 14.270–82). Hera also twice elicits oaths from other gods. The most important of these is the oath reported by Agamemnon in *Iliad* 19.101–33. Hera had requested an oath from Zeus, asking him to swear that whatever child of Zeus' blood was born on that day would be lord over his neighbours. Hera then accelerated the birth of Eurystheus and delayed that of Heracles, thus ensuring Eurystheus' dominance over Heracles against Zeus' will. Aristotle discusses this passage and suggests that it is reasonable for Hera to ask for an oath because she is afraid that things will not go as she wishes (Arist. fr. 387 Gigon). Zeus is enraged by the deception. He hurls the goddess Delusion (*Atē*) out of Olympus, swearing a second strong oath that Delusion shall never again come back there (*Il.* 19.125–31). The oaths are reported by Agamemnon in order to justify his deluded behaviour regarding Briseis, since even Zeus can be deluded. These oaths of Zeus also serve to contextualize the formal oath that Agamemnon will swear shortly thereafter, declaring with the gods as witnesses that he did not sleep with Briseis (*Il.* 19.175–275). The weight and seriousness of Agamemnon's oath is confirmed by the fact that even Zeus is bound by oaths. It is interesting that these are the only two examples of Zeus swearing oaths in the entire corpus of archaic and classical Greek literature. We should not doubt that Zeus really was imagined as having sworn the oath to Hera. Aristotle takes the oath at face value, and it serves as an explanation for the fate of Heracles (see ch. 3). Still, Agamemnon's allusions to the oaths of

87 Cf. Sommerstein 2001, *ad* 1102.

88 Hera also has some association with control of language since she grants a human voice to the horse of Achilles in the *Iliad* (19.407); cf. Gera 2003, 15, 114.

Zeus underline his attitude of superiority as he seeks to create a parallel between himself and the king of the gods.[89]

In *Iliad* 21 Hera once again receives an oath from a male god, the river Xanthus, but this time it is volunteered. Xanthus (Scamander), who is being attacked by Hera's son Hephaestus at her request, swears to Hera that he will never drive the day of evil away from the Trojans, not even when all the city of Troy is burning with ravening fire on the day the Achaeans burn it (373–6). The oath is made on the condition that Hera should call off Hephaestus, which she does immediately. The text of the oath is identical to the one Hera claims to have sworn with Athene in *Iliad* 20. There Hera used the oath as an excuse to reject Poseidon's suggestion that she should help him to save Aeneas from destruction (313–17). Poseidon then goes alone to save Aeneas since he is fated to survive the Trojan war. It is hardly surprising that Hera, Troy's great divine enemy, refuses to assist even a single Trojan, but the fact that the god of Troy's own river swears an identical oath lends further momentum to the sense maintained throughout the *Iliad* that Troy is doomed.[90]

7.3.4 Oaths sworn by gods to mortals

Gods do not often swear oaths to mortals. The oaths of Hermes in *Peace* and *Wealth* are sworn to human characters, but even in comedy and satyr-drama, discussed in more detail below, there are remarkably few cases when we consider that Dionysus in *Frogs* (who swears numerous oaths) plays the role normally assigned to a human hero and has mortal sensibilities. Occasionally gods swear oaths to mortals to emphasize their rage at human actions. In the *Homeric Hymn to Demeter*, Demeter swears an oath to Metaneira, that she would have made her son immortal but now he cannot escape death, a statement sworn in anger when Metaneira spies on her (259–62).[91] Similarly, when Apollo swears that Neoptolemus will neither return home nor reach old age, he is reacting to the murder of Priam at the altar of Zeus (Pindar, *Paean* 6 fr. 52f.112–16).[92] On two occasions,

89 Even in his attempt at reconciliation with Achilles over Briseis, Agamemnon's offering of gifts can be read as an assertion of dominance; see D.F. Wilson 1999.

90 On Troy presented as doomed to fall in the *Iliad*, see the insightful comments of Graziosi & Haubold 2010, 7–8, 33–4, and *ad* 96, 438–9, 447–9 with further references.

91 On the narrative parallels between the experience of Metaneira and that of Demeter in this hymn, see Felson-Rubin and Deal 1994.

92 In Pindar's version, Neoptolemus dies in Molossia before reaching his home (*Paean* 6 fr. 52f.105–11).

Odysseus, whose grandfather Autolycus was notoriously skilled in oaths (*Od.* 19.395–6, Pl. *Rep.* 334b3), extracts oaths from the goddesses Calypso and Circe. In the case of Calypso (*Od.* 5.117–87), Odysseus already has a special relationship with her so that when he asks her to swear an oath that she is not planning some painful trial for him by instructing him to leave Ogygia, she simply smiles and gives him the oath he requests. The situation with Circe is rather different. It is actually Hermes who advises Odysseus, before he encounters Circe, to ask for her oath that she is not devising evil against him (*Od.* 10.299–301) and Odysseus follows this advice (*Od.* 10. 343–6, cf. 381). Both oaths are demanded from female divinities who desire Odysseus and could thus be said to be susceptible to his charms, and both oaths are extracted by Odysseus as a form of self-protection. The action is consonant with Odysseus' careful and vigilant character.

Our final example of a god swearing an oath to a mortal is ambiguous. It comes from Aeschylus' *Libation Bearers* where Apollo seemingly binds himself to Orestes with an oath to support his crime of matricide. As Orestes hesitates to murder his mother and turns to his companion for advice, the previously mute Pylades famously replies with his only three lines of the play (900–2) in which he asks Orestes to consider the future of Apollo's oracles and of "pledged oaths sworn in good faith" (901: πιστά τ' εὐορκώματα), recommending that Orestes should rather make enemies of all mortals than of the gods. The language is enigmatic. It is not entirely clear what oaths were sworn nor by whom. Was there an oath sworn by Orestes to Apollo agreeing to carry out the matricide, or did Apollo swear to protect Orestes after ordering the crime? Garvie observes that the latter reading is easier for grammatical reasons,[93] and it is not impossible that both parties are to be envisaged as having entered into a sworn agreement with Orestes vowing to commit the deed under oath. In any case, the reminder of these oaths is enough to steel Orestes' resolve and contrasts with Clytaemestra's failed attempt to bind the *daimon* of the Pleisthenids with a sworn pact in the previous play (*Ag.* 1566–76).

7.3.5 Divine pacts in Aeschylus

Oaths sworn by divinities are surprisingly rare in tragedy, given that the gods feature so prominently in this genre and often appear as characters. Lyssa (the personification of madness) invokes Helios as witness and swears to Iris that she is acting against her will in Euripides' *Heracles* (858), and an anonymous tragic

93 Garvie 1986, *ad* 901.

fragment refers to the "great oath" of the gods being fixed (*trag. adesp.* 145b: ἄραρε γὰρ ⟨×⟩ ὅρκος ἐκ θεῶν μέγας). Remarkably, all our other examples of oaths sworn by divine figures in tragedy occur in Aeschylus' *Oresteia*. This confirms both the importance of the gods as agents and characters in the trilogy, and the significance of oaths in each drama.[94] In addition to the possible oath of Apollo to Orestes, there are several references to oaths between deities. The first oath mentioned in the trilogy describes how former enemies Fire and Sea joined in a sworn conspiracy (*Ag.* 650: ξυνώμοσαν) to destroy the Argive host on its voyage home from Troy. The same language of conspiracy, our earliest example of such usage,[95] appears in the description of Sleep and Toil, identified by Clytaemestra's ghost as "authoritative conspirators" in *Eumenides* (127: κύριοι συνώμοται), and it is possible that the agreement between Athena and the Erinyes is treated as a sworn pact at the end of the *Eumenides* (1044).[96]

All the oaths sworn by the gods in the *Oresteia* affect humans in significant ways. Fire and Sea cause the destruction of the Greek fleet on its return from Troy, Sleep and Toil facilitate Orestes' brief escape from the Erinyes, and the agreement between Athena and the Erinyes ensures their blessings on the people of Athens. Similarly, the divine oath referred to by Cassandra in *Agamemnon* ensures a particular fate for the humans involved. When she mentions prophetically the "great oath" μέγας ὅρκος of the gods, which confirms that Agamemnon's corpse will lead Orestes to return (*Ag.* 1290, 1284),[97] we can recognize that Clytaemestra's attempts to make a sworn pact with the *daimon* of the Pleisthenids to avoid further kin bloodshed are entirely futile (*Ag.* 1566–76). Due to their divine knowledge and their power to shape the fate of humans, the gods can swear oaths predicting future events in a binding manner, as we have seen also with Apollo's oath foretelling the doom of Neoptolemus (Pindar *Paean* 6 fr. 52f.112–16), and Demeter's prophecy concerning Demophoön (*h. Dem.* 259–61).

94 On oaths in the *Oresteia* see Fletcher 2012, 35–69, and see Sommerstein 2010a on oaths in *Eumenides*.

95 Fraenkel (1950) ii *ad* 650, S&B 122. Such language of conspiracy becomes far more common from the 420s in Athens; see S&B 120–8.

96 See Sommerstein 1989 *ad* 1044.

97 1290 must be transposed to precede 1284 in order to make sense; see Denniston and Page (1957) *ad* 1284ff. The phrase 'great oath' (*megas horkos*) is often associated with the sworn statements of gods, e.g. *Iliad* 19.113, *Odyssey* 5.178, 10.299, 343, Hes. *Thg.* 400, 784, cf. *Iliad* 15.38, *Odyssey* 5.185–6.

7.3.6 Gods swearing in comedy

Old Comedy contains an extraordinary number of oaths, mostly informal. The Nottingham oath database lists 798 references. Only 42 of these are sworn by gods, 32 of which occur in *Frogs* (31 sworn by Dionysus and one by Pluto). We will discuss *Frogs* separately below. This leaves just ten other oaths sworn by divinities in comedy. Of these, we have already discussed the oaths of Hermes in *Peace* and *Wealth*. The other six deities who swear oaths in comedy are Iris and Poseidon in *Birds*, Poverty and Wealth in *Wealth*, and Rhea in an anonymous fragment.

The issue of gods swearing oaths in *Birds* is significant because it forms part of a broader discourse in the play on swearing oaths in general and on invoking the gods in oaths, which we discussed in §5.3.2. Iris swears two informal oaths to Peisetaerus and since his ultimate goal is to make himself leader of the city of birds which claims to be superior to the gods, the oaths sworn to him (including the one sworn later by Poseidon) are not interactions between a god and an ordinary mortal, particularly since the deaths (and thus mortality) of both Iris and Zeus are imagined as possibilities in this comedy (*Birds* 1224, 1642–3). Both of Iris' oaths are emphatic statements made in frustration. Irritated at Peisetaerus' interrogation about how she got into the bird city, she swears by Zeus that she has no idea "by which gates" she entered, mimicking Peisetaerus' question which she is answering (1210). When Peisetaerus asks whether there was any chief bird who "stuck (*epebalen*) an entry pass" on her, Iris, indignant at the sexual innuendo, exclaims "By Zeus no one stuck anything on *me*!" (1216). Informal oaths by Zeus are normally the weakest kinds of oaths and generally constitute particularly emphatic statements as here. What is interesting about this scene, however, is that Peisetaerus repeats Iris' first oath "By Zeus, I have no idea" (1220) in response to her next question so that "1220 ... mockingly echoes 1210",[98] and the power of the gods is challenged by Peisetaerus.

Similarly in Peisetaerus' exchange with Poseidon, he is able to challenge a divinity by persuading Poseidon that mortals should swear oaths by birds as well as by gods. Poseidon thinks this is a marvellous idea (*Birds* 1614), a sentiment which he emphasizes with an oath by Poseidon (!). This is the only occasion on which a god invokes himself as sanctifying oath-witness and it highlights Poseidon's dim-wittedness in this comic representation. Poseidon's second oath is addressed to Heracles and is another informal oath by Zeus. It occurs as the Triballian is speaking unintelligibly. Heracles assumes, because it is what he wants to assume, that the Triballian is advocating the handing over of the mysterious

98 Dunbar 1995, *ad* 1220.

divine Princess to Peisetaerus. Poseidon objects (ineffectively) exclaiming "by Zeus" that the Triballian is not saying to hand her over but is twittering like the swallows (*Birds* 1680–1). This statement at once emphasizes the garbled speech of the Triballian with a familiar expression stressing incomprehensibility, and at the same time wittily brings the language of birds to the fore. Heracles' greed in attempting to gain support for the hand-over in order to get the promised recompense of becoming sovereign and receiving a supply of "birds' milk", i.e. rare and priceless delicacies, is also emphasized.[99]

The oaths of the gods in *Birds* are essentially comedic in value, but those of Wealth and Poverty in *Wealth* serve to reinforce some of the most important issues of the play. Wealth's first oath is an emphatic statement invoking Zeus declaring that *all* people who acquire wealth become wicked, without exception (110–11). The invocation of Zeus seems pointed here since if all rich people are wicked, it is because Wealth is blind – and it was Zeus who made him so! Similarly, Wealth's second oath invokes all the gods in stating that he is reluctant to enter into the house since no good has ever come from him doing so (234–5). Finally, Poverty also swears an informal oath by Zeus emphasizing that her life is very different from a life of destitution (551). Each of these oaths is sworn to the mortal Chremylus in the imaginary world of the play. They underline significant ethical issues which are never entirely resolved in the drama. At least they are resolved only in the realm of comic fantasy, not in any real terms. The comedy's great plan is to give Wealth back his sight so that he can make the virtuous rich and the wicked poor with the incentive of wealth making everyone virtuous (*Wealth* 489–97). Chremylus, who considers himself virtuous (28), does become rich after Wealth regains his sight, but Poverty raises important objections to Chremylus' plan in the *agōn* which Chremylus does not refute. Specifically Poverty argues that if she is abolished humans will cease to work since humans engage in industry because of her (i.e. to avoid poverty, *Wealth* 507–34). Scholars have debated the play's apparent contradictions regarding the necessity of abolishing Poverty for everyone to be wealthy.[100] The oaths sworn by the deities Wealth and Poverty would seem to support a pessimistic understanding of the drama's resolution as an utter fantasy impossible in the real world. If we take the oaths at face value, then in the real world (whatever may happen in the world of comic fantasy) all who acquire wealth will continue to become wicked, and the poor will continue to toil away without ever attaining financial security (553–6). The dedication of cheap boiled vegetables at the new shrine of the god Wealth at the end of the play

99 See Sommerstein 1991, *ad* 734 on birds' milk.
100 See Olson 1990, Konstan 1995, 75–90, McGlew 1997, Sommerstein 2001, 13–20.

may well have served as a reminder that the events represented in the comedy are impossible in real life.[101]

Finally, the oath sworn by Rhea in an anonymous comic fragment presents us with another impossibility, this time a mythological impossibility. She swears an informal oath by Zeus stating that Apollo did not give Cronus a loan of money or goods but gave him an oracle predicting that he would be overthrown by his son (*com. adesp.* 1062.11–13). The line exploits a Greek pun on the verb χράω which means both "to lend" and "to prophesy". The impossibility of this scenario is based on the fact that the son who overthrows Cronus is Zeus, Rhea's son, and Apollo is the son of Zeus, so that he could not have been alive to predict his father overthrowing his grandfather! In the comic universe, however, this does not seem to be a problem.

7.3.7 The case of *Frogs*

The case of *Frogs* presents us with an anomaly. Hades (Pluto) swears one oath towards the end of the play (1509–14), but the god Dionysus swears numerous oaths totalling thirty-one. In fact, however, since Dionysus plays the role normally assigned to a human hero in Aristophanic comedy, the anomaly is not as significant as it first appears. There are several indicators of Dionysus' "human" attributes in *Frogs*. Segal observed that Dionysus appears in the first part of the play "as an ordinary mortal".[102] He is called the most cowardly among gods *and men* by Xanthias (486), and is labelled the most villainous of *humankind* by Euripides (1472). Moreover, he is unable to prove that he is a god in the whipping scene, where his attempts to mask his pain are comparable to those of his slave Xanthias (631–73). Jay-Robert shows that structurally, by comparison with the roles of gods in *Wealth* and *Peace*, the function of Dionysus in *Frogs* actually parallels that of the mortal heroes Chremylus and Trygaeus in those respective comedies.[103] Lada-Richards has discussed in great detail the various roles played by Dionysus in *Frogs* where he seems to undergo an initiatory rite of passage that is informed by Greek civic and religious experience.[104] Habash demonstrates that Dionysus plays the roles of different participants in his own festival.[105] These features of

101 Cf. Sommerstein 2001 *ad* 1197.
102 Segal 1961, 210.
103 Jay-Robert 2002, 21.
104 Lada-Richards 1999.
105 Habash 2002.

the representation of Dionysus further blur the line between human (participant) and divine (recipient of cult).

In spite of the complications surrounding the status of Dionysus, it cannot be denied that he was a major and clearly identifiable god for the ancient Greeks. Since it is not feasible to address all thirty-one of his oaths, we will omit from our discussion the weaker informal oaths by Zeus and "the gods" which tend to function as emphatic statements.[106] This leaves us with several oaths by other specifically named gods, two oaths made by means of a self-curse and a "Sophoclean" oath, which we have already discussed in §5.2. We saw in §6.1 that oaths made by context-specific gods hold more weight than those made by Zeus, and this is true in comedy also. So in *Knights* the Sausage-seller wins an exchange of oaths with Paphlagon by invoking Poseidon instead of Zeus (336–9).[107] Apart from Zeus, the deity invoked most frequently by Dionysus in his oaths is Apollo, and Pluto's oath invokes Apollo also.

Dionysus' first oath by Apollo comes in his exchange with Heracles in which he is attempting to prove his bravery. He claims to have fought in the battle of Arginusae, on board Cleisthenes' ship, and to have sunk twelve or thirteen enemy ships (49–51). Dionysus' slave Xanthias completes the line with an aside "and then I woke up!", implying that the statement would only have been true in a dream. Dreams and prophecy were strongly linked in Greek thought and the dreams related in Greek literature are virtually all prophetic,[108] making Apollo an appropriate deity to invoke in this instance, as the god of prophecy. Similarly, when Pluto swears by Apollo at the end of the play that he will engineer the arrival of various contemporary figures into Hades if they do not get there quickly (1509–14), it emphasizes the prophetic nature of his claim. Apollo's cultic associations also include patronage of seafaring as overseer of embarkations (Apollo *epibatērios*) and as a guide in the form of a dolphin (Apollo *delphinios*).[109] The function as *epibatērios* might well have been evoked in our first passage where Dionysus claims to have "embarked upon" (48: ἐπεβάτευον) the ship of Cleisthenes.[110] Sailing is precisely the context in which Dionysus next invokes Apollo

106 Dionysus' oaths by Zeus appear at 1–3, 6, 69–70, 86, 127–8, 164–5, 173–4, 181, 490–1, 499–501, 912–14, 1046–7, 1087–9, 1157–8, 1433, 1460, 1480–1; oaths by "the gods" appear at 152–3, 928–30, 971–80.

107 Sommerstein 2007b, 127–8.

108 The exception is the false dream sent to Agamemnon by Zeus in *Iliad* 2, but even there the expectation is that Agamemnon will treat the dream as prophetic.

109 Pausanias (2.32.1–2) discusses Apollo *epibatērios*, which is a synonym for Apollo *embasios*, used by Apollonius Rhodius (1.403–4). On Apollo *delphinios*, see Graf 1979.

110 On the sexual innuendo implied in this line, see Sommerstein 1996, *ad* 48.

when he agrees with Aeschylus that Euripides has taught sailors to talk back to their officers (1072–4).

In fact the gods invoked by Dionysus during the contest between Aeschylus and Euripides consistently imply that Dionysus favours the arguments of Aeschylus. Although he seems to waver between one poet and the other, Dionysus invokes weightier deities when he agrees with Aeschylus. Dionysus had previously sworn an oath by Demeter when he agreed with Aeschylus that rich men were pretending to be poor (and thus avoiding public duties) because Euripides had taken to dressing kings in rags in his tragedies (1065–7). Lastly, we have the sequence in which the opening lines of the *Libation Bearers* are scrutinized. Euripides objects that Orestes is made to say the same thing twice when he states that he has come and has returned. Dionysus agrees with a weak oath by Zeus (1155–9). Aeschylus defends his language explaining that returning implies a return from exile and so is different from having simply come to the land. Dionysus agrees with a stronger oath by Apollo (1160–6), here also an appropriate divinity since we know that Apollo has ordered Orestes' return. Euripides objects once more claiming that Orestes cannot have "returned" from exile because he does so in secret. Dionysus agrees with a pointed oath by Hermes, qualified by the phrase "I don't understand what you mean, though!" (1167–9). The invocation of Hermes might appear to cap the previous oath by Apollo implying that Euripides has won the argument, but in fact the choice of Hermes at this specific point coupled with the claim not to understand demonstrate that Aeschylus is still on a winning streak.[111] Hermes as the god of duplicitous language is appropriately invoked at the moment when Dionysus recognizes Euripides' argument as clever but fails to see its logic. Moreover, Hermes is the god addressed by Orestes in the opening line of the *Libation Bearers*, which has just been scrutinized (1138–50). Hermes is thus naturally associated with Aeschylus at this moment in the drama.

The only other god to be invoked in an oath by Dionysus is Poseidon. This oath comes relatively early in the play when he swears that he has indeed seen all the father-beaters and perjurers in the sea of mud (273–6). Poseidon as the sea god is thus an appropriate choice for the oath-statement, which is marked by the joke that Dionysus can still see these villains (i.e. in the audience). This leaves the oaths made by means of a self-curse. The sequence occurs when Dionysus realizes that his disguise as Heracles is getting him into trouble and he appeals to Xanthias to change clothes with him for the third time. He begins his appeal with a self-curse: "May I perish most miserably if I do not love Xanthias!" (579). Xan-

111 Segal 1961, 215 discusses how the ultimate choice of Aeschylus is not surprising in light of Dionysus' development.

thias needs more convincing, however, and Dionysus offers a further self-curse if he ever takes away the clothes from Xanthias: "may I perish most miserably and utterly myself, my wife, my children and bleary-eyed Archedemus!" (586–8). The oath formula is serious but simultaneously contains two important jokes. The first is that Dionysus is not normally regarded as having had any wife except Ariadne[112], and she is either long dead[113] or immortal.[114] The second is the inclusion of Archedemus, an Athenian politician who is likely to have been one of the men charged with "deceiving the people" into condemning the commanders at Arginusae to death.[115] Even if Dionysus breaks his oath, the consequence of being rid of Archedemus functions as an incentive for Xanthias, as noted by Sommerstein.[116] Xanthias replies "I accept your oath" (589), thus demonstrating how this kind of self-curse constituted an oath in the eyes of the Greeks.

The single oath of Pluto in *Frogs*, with its implications of prophecy, creates an important contrast to the oaths of Dionysus, which are far more comparable to those of mortal Aristophanic heroes both in number and in content. Oath-language in *Frogs*, then, further contributes to the complex representation of the god Dionysus as having mortal qualities.

7.3.8 Silenus and the satyrs

If the oaths of Dionysus in *Frogs* do not contain the implications of power and control we might expect in oaths sworn by gods, neither do the oaths of Silenus and the satyrs in satyr-drama. Although technically immortals, Silenus and the satyrs are at the bottom of the food chain since one of their distinguishing characteristics is being enslaved. Their oaths are unmarked by aspects of divine power and language or predictions of the future. In Sophocles' *Trackers* the satyrs swear an emphatic statement "by Zeus" to Silenus that the footprints of the cattle are pointing the wrong way (fr. 314.118–19). Aeschylus' *Theōroi* contains a fragmentary reference to an oath which may have been the athlete's oath taken by the satyrs (fr. 78c.1 Radt = 78c.37 Sommerstein), and so an oath normally taken by

112 Hes. *Thg.* 947–9; Eur. *Hipp.* 339; [Epimenides] fr. 3 Fowler = *FGrH* 457 F 19.
113 e.g. *Odyssey* 11.321–5.
114 Hes. *loc. cit.*; [Apoll.] *Epit.* 1.9, crediting the couple with four (mortal) children – Thoas, Staphylus, Oenopion, and Peparethus (cf. Eur. fr. 752a) – seems to be following a similar tradition.
115 See Sommerstein 1996, *ad* 417 on the identity of Archedemus.
116 Sommerstein 1996, *ad* 588.

mortals.[117] Two of Silenus' oaths are sworn to mortals. One is the oath of Silenus to Danaë in Aeschylus' *Net-haulers* (*Diktyoulkoi*). He swears by the gods to support and protect her, but his oath is completely ineffectual since Danaë nevertheless assumes she will be treated outrageously (fr. 47a.765–6). The second is Silenus' oath to Odysseus in Euripides' *Cyclops* in which he makes an emphatic statement "by Zeus" that he has not seen the wine Odysseus has but smells it (154).

The pattern of Silenus' oaths in *Cyclops* is interesting. He swears a total of six oaths, five of which are statements invoking Zeus, including the oath just mentioned, but most of which are sworn to the Cyclops. He swears that he will not weep (554–5), that he will not hand over the wine until he sees the Cyclops taking the garland (558–9), and that the wine-pourer (i.e. Silenus himself) is not unfair (560). The remaining oath by Zeus is the first oath of the play, spoken as an aside by Silenus in the prologue. He lists various labours he had performed for Dionysus including unlikely heroic actions during the Gigantomachy (3–8). He breaks off suddenly with the line "Come, let me see, am I telling a dream I had?" (8). Silenus' boasts sound suspiciously improbable,[118] and the mention of a dream is clearly a cue for the audience to question, with Silenus, the validity of this narrative.[119] The notion is rejected, however, as soon as it is raised with an assertory oath "No by Zeus", and the qualification "since I displayed the trophies to Bacchus" (9). In *Frogs*, as we saw above, Xanthias' addendum to Dionysus' improbable oath about having sunk twelve or thirteen ships at Arginusae, the aside "and then I woke up", explains how the oath might be true – if it were a statement made about a dream. Here we have a similar concept worked out rather differently. The oath is linked not with the original claims but with rejecting a notion of fantasy. It signals that Silenus believes the account to be true, in spite of his momentary equivocation, and it may even have been accompanied by a physical joke – what were the "trophies" that Silenus displayed to Dionysus? Perhaps he points to some evidence of "trophies" on his person, unconvincing ones at that since it was well known that Athena had defeated Enceladus. The function of this sequence, as I have argued elsewhere, is to draw audience attention to the fictional qualities of poetic narrative in this drama, which rewrites one of the most famous episodes from Homer's *Odyssey*.[120]

Only one of Silenus' oaths is elaborate, invoking a long list of deities. It is countered with an oath by the chorus of satyrs, which seems to contradict it

117 On oaths of athletes, see Perry 2007.

118 See Seaford 1984 *ad* 1, 5–9, 7, 8, cf. Ussher 1978 *ad* 5–8, Biehl 1986 *ad* 7f.

119 Cf. M.E. Wright 2006a, 39.

120 Torrance 2013, 258–9 and 245–64.

directly. Who is telling the truth? Is someone lying on oath? We will discuss these oaths in §10.2,[121] where it will be argued that careful scrutiny of the language used demonstrates that both parties can be understood as technically telling the truth.

121 See also §5.3.1 on Silenus' invocation of "the whole race of fish" in this oath.

8 Oaths and characterization: two Homeric case studies

L. A. Kozak

8.1 Achilles

Achilles has long been said by scholars to be an exceptional character in the *Iliad*, particularly in his use of language.[1] This also applies to Achilles' oaths, which show several unique linguistic usages. This section will look at all three of Achilles' oaths in the *Iliad*, and analyse them both in terms of their oath features and of how they relate to Achilles' character more generally within the epic. There are two other scenes in the epic where an oath would be appropriate but Achilles does not use one – an examination of these scenes proves that they also contribute to Achilles' extraordinary characterization.[2]

The first oath that Achilles swears happens very early in the epic. As the poem opens, a plague has struck the Achaean army, and Achilles calls an assembly of the leaders to find out what has caused Apollo's wrath. He calls upon the seer Calchas to reveal the cause, which is, of course, the fact that Agamemnon has taken Chryseis, the daughter of Apollo's priest Chryses, and refuses to give her back despite Chryses' supplication. Calchas worries that if he reveals Agamemnon as the source of the Achaeans' pain, Agamemnon will be angry, which would place him, as a man of lower status, in considerable danger. So he asks Achilles to protect him:

> "O Achilles, dear to Zeus, you order me to explain
> the rage of lord Apollo, the far-shooter.
> And I will tell you. But you agree, and swear to me,
> to willingly defend me, with words and with your hands.
> For I think I will anger a man, who greatly rules
> over all the Argives, and the Achaeans obey him.
> For the king is stronger, when he gets angry with a lesser man –
> even if he keeps his anger down in the moment,
> but he holds a grudge from then on in his chest
> until it comes to fruition. But say if you will save me." (*Il.* 1.74–83)

1 For discussions of unique aspects of Achilles' language, see Parry 1956; Reeve 1973; Claus 1975; Hogan 1976; Friedrich and Redfield 1978; Scully 1984; Nimis 1986.

2 Kitts 2005, 51: "...some of the most striking examples of oath-making premises...occur where oaths are anticipated but absent".

Calchas' oath request is specifically about status. Since he is of lower status than Agamemnon "who greatly rules over all the Argives", he will need another man of higher status to protect him. Achilles, as another *basileus*, is of equal status to Agamemnon in that respect, and should be able to fulfil the oath. At the same time, this suggestion of equal status between them sows the seeds for the strife that follows.

Achilles' response stokes this spark of strife that Calchas starts. He responds directly to Calchas' concern about status, first more generally, but then by naming Agamemnon specifically:

> "Take courage and speak, revealing whatever divine will you know;
> by Zeus-loved Apollo, to whom you pray, Calchas,
> when you disclose divine will to the Danaans:
> no one, while I am still living and seeing above ground,
> will lay his heavy hands upon you besides the hollow ships,
> not even if you speak of Agamemnon,
> who now boasts to be the best of the Achaeans by far." (*Il.* 1.85–91)

Achilles' oath moves from the anonymous *ou tis* "no one" of line 88 to naming Agamemnon at line 90, possibly in a rhetorical flourish to reassure Calchas about the lengths he will go to protect him. But here Achilles also risks provoking Agamemnon's anger, through the implication that Agamemnon is the one to blame.[3] What's more, Achilles goes on to add the formulaic relative clause "[he] who now boasts to be the best of the Achaeans by far" to describe Agamemnon – "the cumulative addition in which insult lies", as Kirk says.[4] Achilles' language here is ambiguous, not just because, as Kirk points out, the use of the verb *eukhomai* appears throughout the *Iliad* as either positive or negative (it can denote either "boasting" based on fact or "claiming"),[5] but also because this is the first instance of this verb in the poem, so there is no precedent for what it might mean here. Even more telling is that Achilles refers to himself twice after this in book 1 as "the best of the Achaeans" (1.244, 1.412) with no such qualification. So within Achilles' oath, this early in the epic, Achilles makes it clear that he has a status-based tension specifically with Agamemnon.

3 See Karavites and Wren 1992, 5. Karavites follows Erbse in seeing Achilles' oath here as a gambit that forces him to save face with Agamemnon later on at the loss of cooperation with the Achaeans.

4 Kirk 1985, 62 (on 1.91–2); see also Griffin 1980, 52.

5 Kirk 1985 on 1.91.

Achilles' oath here also shows the first instance of his unique oath-language, as he swears by Apollo with the phrase *ou ma gar Apollōna* (1.86). Again, we have to take into account that this is the first oath sworn in the *Iliad*, so it might not appear as unusual to the audience. But throughout the epic, Achilles is the only character to use the *ou ma / nai ma* construction for oaths.[6] This construction is common in later texts, and is usually employed in dialogue, particularly in comedy and Plato, for emphasis or assertive effect. Achilles' early usage suggests an emphatic way of speaking that might also be more naturalistic, and that certainly stands out from the rest of the oath-formulae in the epic. Achilles' first oath to Calchas here then serves to establish two things, both of which are only revealed as the epic unfolds: Achilles has intense, specific relationships, and he expresses himself through emphatic language.

This second aspect of Achilles' character shows itself very clearly in his next oath, which is not uttered in response to a request, but is rather a volunteered, sworn threat.[7] Once Agamemnon sends men to take Briseis from Achilles, he angrily swears this threat (which will come true):

> "But I will say this, and swear a great oath,
> by this sceptre, which will never again bear leaf nor branch,
> since it has now left behind the cut stump in the mountains,
> nor shall it ever bloom again, since the bronze blade stripped
> bark and leaf; and now at last the sons of the Achaeans
> carry it in their hands when they administer
> the justice of Zeus. And this will be my great oath to you:
> some day longing for Achilles will come to the sons of the Achaeans,
> all of them. Then stricken at heart though you will be, you will be able
> to do nothing, when in their numbers before man-slaughtering Hector
> they drop and die. And then you will eat out the heart within you
> in sorrow, that you did no honour to the best of the Achaeans."
> So spoke the son of Peleus, and threw to the ground the sceptre
> that was studded with golden nails, and he sat down. (1.233–46)

6 Cf. Achilles' oath at 23.43. See also Griffin 1986, 52; Fletcher 2012, 26. For *ou ma* or *nai ma*, the only other example in Homer outside of Achilles' three uses in the *Iliad* is spoken by Telemachus in an oath at *Odyssey* 20.339. There are no examples of this construction in Hesiod; only two exist in the *Homeric Hymns* (both in the later *Hymn to Hermes*, at 384 and 460). The only other early example (7th c. or earlier) is Sappho fr. 95.9, which is contextually ambiguous. See §5.1, pp. 80–1 n. 18.

7 Hanna Roisman (1984, 30) draws attention to the use of *horkos* to signal a one-sided oath, or a volunteered oath, in contrast with *horkia*, which signals a pact between two sides.

Achilles starts here by swearing on Agamemnon's sceptre, which he holds in his hand.[8] This serves as visual appropriation of Agamemnon's power that Achilles further undermines and subverts when he throws it to the ground to seal his oath.[9] His first words, the formula ἀλλ' ἔκ τοι ἐρέω "but I will speak this out", is another rare usage that appears only three times in the *Iliad*, each time signifying a threat (cf. 1.204, 2.257). Achilles' use of *nai ma* (234) corresponds to his earlier *ou ma* in his oath to Calchas, and shows again his emphatic use of language. The whole speech is full of vivid language: his description of the sceptre contains two hapaxes (ἀναθηλέω, 1.236; δικασπόλος, 1.238) and the rare word ἀμύσσω (1.243; cf. 19.284), and his whole speech is made more emphatic through the violent throwing of the sceptre at its close. This oath is also unusual in the fact that it is not only a threat, but, as a threat that is to come true, a prophecy. Achilles is the only Iliadic character to use an oath to either of these ends. In this prophecy-threat, Achilles combines his violent rage reacting to the moment with a wide-ranging perspective on (some of) the consequences of this moment in the future. This is similar to the kind of contrasts that fill Achilles' long speech to the embassy at 9.308ff., where specific complaints about Agamemnon (9.315, 335–7, 338ff.), and even Odysseus (9.312f., 346), contrast with broad gnomic statements about life and death (9.318–22, 337).[10]

8 Fletcher (2012, 21) rightly calls this an "unusual oath" for its being sworn *by* a sceptre. Kitts goes much further, saying: "To swear by a perverted symbol – a dead sceptre – is to undertake a perverted justice, here manifest as the corruption of fairness and good faith among the combined orce of the Achaean armies." at Kitts, (2005, 105). Karavites (1992, 19 n. 2) gives several Roman parallels to this use of the sceptre. The *Iliad* itself provides parallels, with Agamemnon and Hector both swearing to Zeus with their sceptres in hand (see next note). While Achilles does not swear by Zeus here, but by the sceptre, Zeus must be implied here, as the sceptre stands for his justice. Aristotle also mentions monarchs swearing by lifting up the sceptre (*Politics* 1285b14).

9 Cf. 7.406–11, where Agamemnon swears on his sceptre to seal the truce for recovering the dead, and 10.319–31, where Dolon requests a sceptre-sworn oath and Hector complies, to assure Dolon of his prize should he successfully complete his scouting mission. The language in both these cases is very similar. After Agamemnon swears to Idaeus, we are told (7.412): "So speaking, he *lifted up his sceptre* to all the gods …" Dolon asks Hector (10.321): "But come, *lift up your sceptre* and swear to me …" And when Hector responds, we are told (10.328) that he "*took the sceptre in his hands* and swore to him".

10 Achilles' deft manoeuvring between specific complaints against Agamemnon and ruminations on his role as a mortal warrior stands in direct contrast to Friedrich & Redfield's claim that "Achilles is characterized by immediacy and easy dominance … His lively intelligence and imagination display the situation to him in vivid relief; he lacks the patience to look beyond it." (1978: 285)

Achilles' last oath comes in book 23, and has similar elements of emphatic language and prophecy. Still in mourning for Patroclus, Achilles refuses to wash off his battle-filth, and to emphasise his refusal, he swears an oath:

> He stubbornly refused them, and swore a great oath:
> "No, by Zeus, who is highest and most excellent of the gods,
> there is no right in letting water come near my head,
> until I have put Patroclus on the pyre, and heaped dirt on his body,
> and cut my hair, since never will a second
> pain like this come to my heart, not while I stand among the living." (23.42–7)

Once again, Achilles uses *ou ma* to begin his oath; but instead of an agreement, or a threat, his statement here is a promise of future actions, where he says what he himself will (or won't) do, and why. The *what* – refusing to wash – is a promise of future action as a response to the moment: the *why* – because the loss of Patroclus is the worst thing that will ever happen to him – expresses Achilles' perspective on the future. Achilles here once again combines an intense response to the moment with an extended perspective.

Of the three oaths that Achilles swears in the *Iliad*, one he swears as a response to an invited oath of protection, one is a volunteered sworn threat, and another a volunteered sworn assertion of future action: in each he uses either *nai ma* or *ou ma*, suggesting emphasis. Considering oaths more generally, most volunteered oaths attempt to forge trust where there is no basis for trust, or where the swearer has no faith he will be believed – in the *Odyssey*, all but one of the volunteered oaths are to swear that Odysseus is coming (or has come) home. Achilles uses *his* volunteered oaths to enforce expressions of intense emotional responses to specific relationships and losses (first of Briseis, then of Patroclus). If we can find the strong language, the indications of intense personal relationships, and the combination of specific feelings that fit that moment with broader knowledge that make Achilles unique just in these three oaths, than it is just as useful to look at those scenarios where an oath is pointedly missing. Not coincidentally, both of these scenarios are linked to the fate of Hector's corpse, as Hector becomes the focal point for Achilles' intense grief for Patroclus that we saw in his last oath.

The first of these scenes comes in book 22, where Hector makes an unusual oath-request before starting single combat against Achilles, that whoever should win should return the body of the loser to their people:

> "But come, let us take the gods (as witnesses) (*theous epidōmetha*), for they are the best witnesses and observers of agreements (*harmoniai*)." (22.254–5)

This is the only use of *epidōmetha* in extant language to call on the gods for the purpose of an oath, and *harmoniai* is also a hapax in the epic, making this oath-proposal entirely unique.[11] Achilles' response to this proposal is a brilliant, caustic refusal, just as rife with unique language in its vivid portrayal of Achilles' hate:

> "Hector, wretch, do not speak of agreements (*sunēmosunai*) to me.
> As there can be no trusted oaths (*horkia pista*) between men and lions,
> nor can wolves and sheep share like mind (*homophrona thumon*),
> but must always turn evil thoughts against one another,
> so you and I cannot be friends, nor can there be
> oaths for us two, until one of us falls,
> and Ares who fights under the shield's guard gluts himself on his blood." (22.261–7)

Achilles does use the word *horkia* in his rejection, at 262 and 266, but there is also unusual language in his response, as he uses the hapax *sunēmosunai* to refer to Hector's proposal, and the hapax *homophrona* to describe what he and Hector cannot be. Perhaps this range of vocabulary is meant to suggest the absoluteness of Achilles' rejection; there is no agreement of any kind, in any terms, that Hector can propose to Achilles.[12] In this profound hate, Achilles still defines a relationship between the two men, in line 265, where he not only uses *eme kai se* "me and you" to describe himself and Hector, joined with a conjunction, but even a dual at the end of the line (*nōïn* "us two"). Their relationship is specifically described through their absence of a relationship – Achilles' hatred for Hector is unique, and cannot be overcome.[13] This defies our normal expectations of conditions in

11 N.J. Richardson 1992, ad loc.

12 See D. Cohen 1980. Regarding this scene he says (58–9): "Achilles is not saying that there can be no oaths between men and lions, or himself and Hector, but rather that there can be no obligations, or agreements, no relationship at all except struggle to the death without conditions ... Hector has suggested not oaths, but such a reciprocal binding agreement that would alter their relationship of unconditional hostility. The mutuality and binding character of his proposal are expressed not only in its content, but also by words like ἐπιδώμεθα and ἁρμονιάων. ἁρμονιάων which in Homer usually refers to bonds, cords, or fastenings, conveys this sense particularly forcefully. Achilles' rejection of Hector's proposal in [sic] directed to just this binding, relational aspect, for his words deny the possibility of any connection between them which might oblige him to place constraints upon his conduct." Cohen is wrong in saying "Hector has not suggested oaths"; Hector must be suggesting an oath in his calling the gods to witness, and Achilles' response, with its rejection of oaths, confirms this.

13 Kitts is right here in asserting that Achilles' "passion is not to be softened by the conventions which refine and protect social intercourse", but she goes too far in claiming that Achilles' rejection of these oaths here "happen because he rejects the very foundations they are built

war; there is usually a chance for compromise even between the most bitter of enemies, where an oath can be used to establish trust where none exists (see ch. 4). But Achilles does not operate according to generic social rules, and instead responds to the intensity of his specific relationships, from how he expresses his motives to how he uses language with his interlocutors.[14]

Achilles' final exchange supports this, as it is a scene where we would expect an oath, but Achilles does not give one. In book 24, Priam, aided by the gods, walks into the hut of Achilles and throws himself at the warrior's knees to ransom the body of Hector. The conversation between the two men has several significant points in reflecting on Achilles' character and the specificity of his relationships, and in many ways, serves as a counterpoint to his interaction with Hector. Priam manages to mollify Achilles with his first speech, appealing to his sense of pity and his relationship with his own father, Peleus:

> "But respect the gods, Achilles, and pity me,
> remembering your own father, for I am even more pitiful..." (24.503–4)

Achilles responds not with words here, but with gesture and emotion, as the narrator tells us that Achilles takes the old man's hand, pushes him gently away, and "the two remembered" (24.509). The use of the dual pronoun *tō* unites the two men in this intimate act of grieving together, as does Achilles' momentary physical gesture of taking Priam's hand, which he does again at 24.515 when he finally responds verbally. As Achilles marvels at Priam's bravery in coming to him like this to beg for Hector's corpse, he says, "Your heart is iron" (24.521). Achilles' compliment for Priam here inverts Hector's disapproval of Achilles at 22.356ff., after Achilles has refused once again to ransom his body: "I look upon you and I know you well, that I wasn't about to persuade you. For the heart in your torso is iron" (22.356–7). After this exchange, Priam begs Achilles not to delay, but to give him back his son, and Achilles, though angry for a moment, obeys, preparing the body himself and putting it in a wagon for Priam to return to Troy. Then the two men spend more time together, as Achilles asks Priam to eat with him. Here Achilles tells the story of Niobe, how even she ate after the murder of her

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upon: compassion, self-restraint, and mutual trust" (Kitts 2005, 52). Achilles' rejection here is particular to Hector, as the killer of Patroclus. For proof of how the specificity of Achilles' relationships affects his adhesion to social conventions, a quick glance at how he treats those who work at Agamemnon's bidding, but are not Agamemnon, gives a clear picture: he properly welcomes the heralds at 1.334–48, and the embassy at 9.196ff.

14 Friedrich and Redfield (1978, 280–1) discuss Achilles' profuse usage of the vocative, with titles and epithets, as a sign of the intensity of his personal relationships.

children, and he uses the dual to describe himself and Priam: "But come, for we two (*nōï*) also, brilliant old man, we should think about food" (24.618–19) After they finish eating, they gaze upon each other, each in turn admiring the other (24.628–33), before speaking again. Achilles makes a bed in the porch for Priam (in case someone should see him in the tent and tell Agamemnon) and finally asks him how many days he will need for Hector's funeral. Finally we come to the place where we might expect an elaborate oath between enemies as in book 3 (3.267ff) or even the kind of oath that swears a truce for the burial of the corpses, as in book 7 (7.408–13). But Achilles agrees to the eleven-day truce that Priam asks for without ever swearing an oath of assurance; instead he promises to hold up the fighting for as long as Priam needs, and grabs his right wrist to reassure him.

> So (Achilles) spoke, and took the right hand of the old man
> at the wrist, so that he wouldn't be afraid in his heart. (24.671–2)

This gesture is odd, to say the least, and is usually associated with marriage:[15] there is no equivalent gesture anywhere in the *Iliad*. If we do take the gesture to represent a sort of marriage, then this bond between Achilles and Priam is the fulfilment of a relationship that was deemed impossible between Hector and Achilles. Immediately before Hector faces Achilles in battle in book 22, he says to himself:

15 Lateiner 1995, 57 says of this gesture: "An eloquent, informal gesture in Iliad 24, persuasive to participants and compactly communicative to the audience, is this hand-on-wrist grasp. Thus Hermes and Achilleus both guide Priam, indeed assert their control over Priam's postures and distance, while reassuring him verbally and non-verbally of friendly attitude." Lateiner glosses over the real difference between these two points of physical contact: Achilles grabs Priam not to direct him physically, as was the case with Hermes, but to enforce his promise. Davies 1985, 628 also glosses over the hand/wrist difference: "The gesture (of the handshake) was also sometimes used in 5th century vase painting in the context of marriage... It has been suggested that the scene on a volute krater in Boston which appears to show the departure of a warrior, may in fact show Achilles with Deidameia and is a scene with a deliberate double meaning: departure and wedding." This would make sense in the context of another wrist-grab in Homer, where Odysseus grabs Penelope by the wrist as he leaves her (*Od*. 18.257–8). The only other interesting wrist-grab in the *Iliad* is on the description of Achilles' shield, where young men and young women dance, holding each other's wrists at 18.593–4. It's noteworthy that the same vocabulary of *ēïtheos* "young man" and *parthenos* "maiden" is used here as in Hector's lines at 22.126–8. These two romantic contexts would point to courtship/marriage symbolism. For further discussion of grabbing the wrist as a marriage gesture, see Flory 1978, 71 n. 5. See also M.W. Blundell 1989, 46: "Enmity is ended or friendship sealed and perpetuated by the provision of a wife." This marriage imagery here evokes the creation of a bond of friendship, but certainly in an unexpected way.

> "There is no way now from behind a tree or a rock
> to whisper to him, like a girl and a young man,
> how a girl and a young man whisper to each other." (22.126–8)

Hector here wishes that he and Achilles might talk as though courting,[16] Achilles grabs Priam as he would a bride; the former impossibility is reconciled through this latter gesture. So we have a scene that, in its absence of oaths between Achilles and Priam, perfectly redeems Achilles' refusals to take an oath with Hector in book 22. The specificity of relationships remains constant: Achilles uses the dual to describe both himself and Hector as well as himself and Priam, and both relationships are driven, albeit to different ends, by a grief that overwhelms social norms and undermines our expectations about the uses of oaths.

This examination of Achilles' oath-scenes shows several unique attributes that contribute to his overall characterization. First, he is alone in his use of *nai ma* or *ou ma* in his oaths. Secondly, Achilles is exceptional in his use of volunteered oaths, using them as threats or as emphatic statements, rather than to establish trust. Next, Achilles sometimes incorporates insight into the future into his oaths, whether it be the broader implications of his alienation from the Achaeans, or an understanding of his own personal future in the wake of losing Patroclus. The scenes where Achilles does not swear an oath with an enemy are just as extraordinary: Achilles is the only character to refuse an oath in this context, while his agreement with Priam completely defies all social expectations. These unique features of Achilles' uses (and avoidances) of oaths are an important factor of his character construction that flesh out our intuitive feelings about Achilles: he is passionate and direct, and has an extraordinary capacity for emotion in the moment while still seeing the bigger picture. Perhaps most importantly of all, Achilles' actions are dictated by the intensity of his specific personal relationships, rather than standard social expectations, and this is particularly clear in his oath-scenes.

16 The use of *oarizemenai* here, used elsewhere only in the narrator's description of Hector and Andromache's encounter at 6.516, suggests that Hector views his relationship with Achilles in a courtship context. Achilles avoids such language, but does fantasize under the threat of the river at 21.279–80 that he wishes Hector would have killed him, and equates himself to Hector ("I wish that Hector would have killed me, he who is the best man who was brought up here; then a good man would have struck, and a good man would have been slain").

8.2 Odysseus

Odysseus serves as a counter-point to Achilles in our consideration of oaths and characterization in Homer, spanning as he does both the *Iliad* and the *Odyssey*. While it always tricky to take the two epics together, it is helpful in thinking about character consistency across tradition, and how characters from one story remain "themselves" in another. But as we will see in our examination of the *Odyssey*, the main problem in considering the characterization of Odysseus is whether he is ever "himself" at all.

Odysseus only has one oath in the *Iliad*, and as we saw with Achilles, it is a volunteered oath that emphasises something said, here, with intense emotion: Odysseus uses a self-curse to cement a threat. Responding to Thersites' complaints about Agamemnon, Odysseus rebukes him, before launching into this self-cursing threat:

> "...But I will speak out to you and it will be something that will happen –
> if I happen upon you again, being as foolish as you are now,
> then no longer will the head of Odysseus be above his shoulders,
> and no longer would I be called the father of Telemachus,
> if I don't, grabbing hold of you, strip off your own clothes,
> your cloak and your tunic, that wrap around your shameful bits,
> and send you away, crying out, to the fast ships,
> having struck you with shameful strikes out of the assembly."
> So he spoke, and struck his back and his two shoulders
> with the sceptre. (2.257–64)

This oath serves a similar function to the example of Achilles' throwing down the sceptre at the end of book 1, where a curse-oath emphasizes a threat. Here, too, almost in parody, Odysseus seals his curse with the sceptre, bringing it down hard on the back of Thersites, a physical gesture of violent authority that reenforces his strong words. This is the only oath that Odysseus actually swears in the *Iliad*,[17] and it has a clear parallel with a similar self-curse that Odysseus swears in the *Odyssey*.

Odysseus' self-curse in the *Odyssey* comes when he is disguised as the Cretan, as he is from shortly after his arrival in Ithaca in book 13 until his staggered revelations throughout the epic's final books. Here, before Telemachus has been introduced, but after Odysseus has recognized him, the Cretan tells Telemachus

17 Odysseus is, of course, instrumental in bringing about the oath of truce between Achilles and Agamemnon, but does not swear himself. See *Il.* 9.180, 9.274–6, 19.141, 19.155–95.

about what he would do should Odysseus or Telemachus return to Ithaca as he quizzes him for more information about the suitors:

> "If I were so young, with this in my heart,
> or if the son of blameless Odysseus, or even the man himself
> might come from wandering, then there'd still be a share of hope.
> And then right away, may a strange man cut my head from me,
> if I wouldn't become an evil to all the suitors,
> when I came into the great hall of Laertes' son Odysseus." (16.99–104)

This self-curse "may a strange man cut my head from me / if I wouldn't become an evil to all the suitors" is certainly similar to the head-removing self-curse that the *Iliad*'s Odysseus swears to Thersites, with its focus on Odysseus' *karē* (*Il.* 2.259; *Od.* 16.102), and might even be related, since that oath focused explicitly on Odysseus self-identifying as Telemachus' father (*Il.* 2.260), and here he is talking, in disguise, *to* Telemachus. But in the *Iliad*, that *karē* clearly *is* Odysseus'. As the Oath Database notes,[18] the self-curse of *Od.* 16.102, perhaps even more than the rest of the oaths that Odysseus swears in disguise in the *Odyssey*, confuses the identity of the speaker. Whether the Cretan or Odysseus is speaking at this point in the oath becomes obscure in the transition between the third person singular *elthoi* "(he) might come" (referring to either Telemachus or Odysseus) in line 101 and the nominative first person participle *elthōn* "coming" in 104, as the self-curse becomes, much like Achilles' sworn threat at *Iliad* 1.233–46, a prophecy of the carnage Odysseus himself will wreak in his own halls in book 22. This oath does cleverly force Telemachus into revealing who he is to Odysseus (16.113–20), and it is only a short time after this that Athene tells Odysseus to reveal himself to his son (16.167ff.): here this volunteered oath creates a connection that allows their conspiracy against the suitors to begin (16.169f.).

Of Odysseus' remaining volunteered oaths in the *Odyssey,* in every instance the Cretan swears that Odysseus is coming home, to create trust in this fact where there is none in the experience of his interlocutors; Eumaeus, Penelope, and Philoetius.[19] Mixing in this sworn truth with a multitude of lies about himself, Odysseus as the Cretan in these books (he is, after all, *polutropos* "many-wayed", 1.1, and is the grandson of Autolycus, "who surpassed men in stealing and with the oath; the god Hermes himself had given these to him", 19.395–8) is character-

18 See the Nottingham Oath Database, "Remarks" on #555.

19 These oaths come in a series of "lying" speeches by Odysseus that have received considerable scholarly attention. See Stanford 1950; Trahman 1952; Haft 1984; Emlyn-Jones 1986; S. Richardson 1996.

istic in how he uses language and disguise to his advantage. Every time, Odysseus protects his own identity while ascertaining through his interlocutors' responses whether they might be allied with him against the suitors.

Despite each of his interlocutors' loyalty to Odysseus, and their general acceptance of the Cretan and their hospitality towards him, none of them accepts these oaths about Odysseus' homecoming as true. This signals a shift from a tie between oaths and characterization – is a *man* trustworthy? – to one between oaths and narrative – is a *story* trustworthy? These scenes all make it clear that the value of an oath in the *Odyssey* is no longer as firmly tied to determining character or relationships between characters, but instead falls on judging the truth of things said.[20]

Odysseus as the Cretan volunteers the first of these three oaths about Odysseus' homecoming to the swineherd Eumaeus in book 14.[21] Eumaeus provokes the oath, by saying, before he even names Odysseus as his lord, that vagabonds come telling lies about him (14.122–32), and won't persuade anyone: "Old man, there is not any man who could come here bringing news of him, that would persuade his wife and beloved son" (14.122–3). So the Cretan swears an oath,[22] to emphasise that he is telling the truth about Odysseus' homecoming:

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20 Roisman (1984, 74) almost suggests this in her assessment of *apistos* in the *Odyssey*, saying that "its derogatory meaning changes from 'untrustworthy' to 'unbelievable', 'beyond one's experience", and she gives the example of Eumaeus' refusal to believe that Odysseus will return at 14.121–32.

21 For an elegant reading of the whole conversation between Eumaeus and Odysseus, see Minchin 1999.

22 This oath is definitely sworn – it is a volunteered oath of emphasis, not unlike Achilles' oaths at *Il.* 1.233–46 and *Il.* 23.42–7, and does not require an Invitation (as defined by the schema of Arend 1933). The Execution is the oath itself, which starts with the call to witness (ἴστω νῦν Ζεὺς..., 14.158). For a treatment of this oath as an oath, see Minchin 1999. This stands against Callaway's claim (followed by Fletcher 2012, 28) that here "there is no Execution or Conclusion, since Eumaeus refuses the oath ... As I have defined an oath scene the oath is not completed if it is not accepted: Odysseus has merely offered an oath. The use of the future sense (μυθήσομαι) is another indication of the offering, and is seen in the other two scenes as well. Finally, Eumaeus does not accept the offer, and thus has refused to participate in the religious act of the oath, an act which involves two parties" (Callaway 1998, 162–3). This is nonsense. An oath can most certainly be sworn by one person in order to emphasize the truth of a sworn statement, or to swear to future action or inaction by the individual, as we have seen in the oaths of Achilles in this chapter. Moreover, the use of μυθήσομαι here is not unusual in how it signals a coming oath, and draws attention to a statement that is about to be made: see not only the other oaths of Odysseus at *Od.* 19.269 and 23.265, but also preparations for statements made immediately after at *Od.* 9.16, 11.507, and 19.245. This use of μυθήσομαι parallels that of ἐρέω in oaths at *Il.* 1.76, 1.233, and *Od.* 20.229; and ἐρέω in emphasising the truth of a statement that is about to be made, particularly in

"Dear friend, since you completely deny it and won't still say that this man will come,
but your heart is always untrusting;
So I will not just tell you, but with an oath,
that Odysseus will return…"
"…now let Zeus, first of the gods, and the guest-friendship table,
and the hearth of blameless Odysseus, where I've come (be witness).
Truly all these things will come to pass as I say.
Some time within the year Odysseus will be here,
at the waning of one month and the beginning of another,
he'll return home, and pay back whoever
here dishonours his wife and his shining son." (14.149–52, 158–64)

The Cretan claims that Eumaeus is untrusting (*apistos*, 14.150), but rather than a general characteristic, he says this specifically in response to the herdsman's disbelief in Odysseus' homecoming. The oath that the Cretan swears responds to this, and, through swearing, attempts to make the story of Odysseus' homecoming *pistos*, trustworthy. Eumaeus gently refuses to accept Odysseus' volunteered oath here, saying "let's leave (*easomen*) this oath" (14.171), but the herdsman shows no offence – despite this perceived lie, Eumaeus continues on as though he believes everything else about the Cretan, and that the stranger remains worthy of his hospitality.[23] Of course the irony is that Odysseus is telling the truth about this one thing, and this only: everything else he says, his entire persona and how he presents himself, is a falsehood.[24]

After this oath is "left aside" by Eumaeus, Odysseus, deft as he is, uses two other oaths to back himself on the point of Odysseus' homecoming. First, the

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the formulae ἐρέω ἔπος οὐδ' ἐπικεύσω (*Il*. 5.816)/ μυθήσομαι οὐδ' ἐπικεύσω (*Il*. 19.269, 23.265), as well as the other familiar formulae of emphatic "telling" like ἀλλ' ἔκ τοι ἐρέω, τὸ δὲ καὶ τελέεσθαι ὀΐω / ἀλλ' ἔκ τοι ἐρέω, τὸ δὲ καὶ τετελεσμένον ἔσται· (*Il*. 1.204, 2.257, *Od*. 2.187, 17.229, 18.82), etc. However, while we can say that this is an oath sworn, Harsh is absolutely right to question a certain aspect of this oath: "…the oath which he [Odysseus in disguise] has sworn concerning the return of Odysseus is a strange oath (14.145–164). How can a man with no sign from Heaven swear what another man at a distance and under no obligation to him will do?" (Harsh 1950, 8). The Cretan swears here for the actions of Odysseus, and this has no direct parallel: Hector at *Il*. 7.76–91 and Achilles at *Il*. 1.233–46 both swear to the actions of others related to their own actions: this seems to suggest a further conflation of "Odysseus" and "the Cretan" through his speeches.

23 S. Richardson 1996, 396.

24 It is important to note that Odysseus has only sworn here that "Some time within the year Odysseus will be here, at the waning of one month and the beginning of another, he'll return home, and pay back whoever here dishonours his wife and his shining son" and *not* to any other element of his story. So this cannot be considered a "'sneaky', deceptive oath, as Odysseus does not swear as who he really is", as in Köhnken 2009, 56 n. 38.

Cretan says that the Thesprotian Pheidon swore to him that he was about to put Odysseus on a ship home (14.331–3) – a reported oath that is also a lie, but that, through reporting an oath from a man of higher status, might go further in convincing Eumaeus.[25] Eumaeus again rejects the idea: "But these things are out of order, I think, and you will not persuade me, speaking about Odysseus."[26] And he goes on, "and why should you, being such a man, lie falsely?" (14.363–4) So while Eumaeus implicitly trusts the Cretan, "being such a man",[27] he continues to disbelieve his statement that Odysseus will come home, even when it is offered on oath.

So the Cretan finally volunteers another oath, one that is not actually sworn, saying to Eumaeus:

> "The heart in your chest is indeed untrusting,
> since I even swearing on it, I cannot bring you round, nor can I persuade you.
> So come now, let us make an agreement. And from here on out
> the gods will be witnesses to us both, those who hold Olympos.
> If your lord returns into this house,
> you will dress me in clothes, a tunic and a cloak, and send me
> to go to Doulichion, to where it is dear in my heart.
> But if your lord doesn't come as I say,
> set your slaves on me, and throw me down from a great rock,
> so that another beggar will avoid cheating you." (14.391–400)

The Cretan tries to bargain with a proposed oath-exchange, and here the oath is never taken.[28] The Cretan goes so far as to suggest that Eumaeus throw him from a great rock if he is lying, but if he is telling the truth, that he should receive some clothes. Again Eumaeus denies him, saying that he could hardly be mindful of Zeus and hospitality if he started throwing his guests off large rocks – so Eumaeus implicitly calls the Cretan a liar again, but, again, does not reject him otherwise: the heart in Eumaeus might be untrusting (*apistos*, 14.391, cf. 14.150), but it is only so regarding the story that Odysseus is coming home.

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25 Minchin 1999, 343.

26 Emlyn-Jones (1986, 10) n. 6 suggests that the τά γ' οὐ κατὰ κόσμον at 14.363 refers not only to the falsity of Odysseus' homecoming, but also a problem with "its artistic arrangement".

27 With respect to what sort of man the Cretan is meant to be here, Walcot 2009, 146 suggests Odysseus' goal with his speech (and oath) to Eumaeus is not to convince of the truth, but instead to imprint on the herdsman just what kind of beggar he is, not a professional beggar, but instead, someone fallen on hard times.

28 Cf. Hector's proposed oath exchanges at *Iliad* 22.254–67 and 7.76–86.

The Cretan's next volunteered oath is also about Odysseus' homecoming, this time sworn to Penelope.[29] Unlike with Eumaeus, the Cretan here does not volunteer any information about Odysseus' homecoming in his first speech. But, as he fabricates his background story once again,[30] with variations, he does say that he saw Odysseus once in his homeland of Crete. Even mentioning Odysseus is enough to rouse suspicion in Penelope, who then tests the Cretan, asking for proof that he really did entertain Odysseus (19.215).[31] The Cretan gives her the details of Odysseus' cloak, to which Penelope immediately responds positively, declaring to the Cretan: "Stranger, before you had my pity, but now you will be a friend to me, respected in my palace-rooms." (19.253–4) Penelope has a first recognition (σήματ' ἀναγνούσῃ, 19.250) here that foreshadows the *sēmata* we will see again in her next "trial" of Odysseus in book 23 (19.250=23.206).[32]

Once the Cretan passes the test by describing Odysseus and his clothes, and Penelope says as much, he goes on to volunteer the news that Odysseus is coming home, weaving in the story of the cattle and the Phaiakians (19.273–82), the first true stories that he's recounted from his own adventures. He then moves to the reported oath: "So Pheidon, the king of the Thesprotians, told me, and he swore it before me, pouring a libation in his house, that the ship was drawn down, and the crew were ready to take Odysseus back to his beloved country." (19.287–90; cf. 14.131) And from this reported oath, he reiterates with an oath of his own:

> "...I will give you an oath on this.
> Now let Zeus first, highest and most excellent of the gods,
> and the hearth of blameless Odysseus, which I have arrived at, be witness:
> Truly all these things will be accomplished as I say.
> Some time within the year Odysseus will be here,
> at the waning of one month and the beginning of another." (19.300–7; cf. 14.158–61)

This oath is very much like the one we saw him offer Eumaeus at 14.158ff. Unlike Eumaeus, Penelope does not directly dismiss the oath, or say that the Cretan is lying. Instead she responds by expressing her wish that Odysseus would be coming home,[33] but then says that she knows he will not. In this way, it feels as

29 For further discussion on Odysseus' exchange with Penelope in book 19, see Harsh 1950; Walcot 2009, 150–1; Vlahos 2011, 37–45; Louden 2011; Reece 2011.

30 The narrator confirms these lies, and the skill used in telling them, at 19.203: "Saying many false things, he made them seem like truths."

31 Cf. Penelope's "trying" Odysseus at 23.181.

32 See Vlahos, 2011; Louden, 2011; Reece, 2011;

33 The oath sworn here by Odysseus is similar to that sworn by Theoclymenus to Penelope at 17.155–9, and her response is also similar. Harsh notices these parallels as well as the formulaic ὦ

though the trustworthiness of the story – that Odysseus is coming home – has gained ground.

The next iteration of the homecoming oath comes in book 20, in an even shorter exchange, this time between Odysseus as the Cretan and Philoetius the ox-herd. Philoetius comments first on Odysseus' appearance, saying that he looks "like a king or a lord…" (20.194) "And then, standing close to Odysseus, he took him by the right hand and addressed him in winged words…" (20.197–8) Philoetius not only imagines a resemblance between Odysseus and the Cretan,[34] but he also immediately establishes a trust relationship with him by taking his right hand. Philoetius continues to address the Cretan, and comes to the subject of Odysseus. Where Eumaeus said that Odysseus must be dead (14.133–47), and Penelope said that Odysseus would not come home but implied the possibility of his still being alive (19.357–60), now Philoetius says: "As I think of it, tears come to my eyes, with remembering Odysseus, since I believe that he has rags like this, wandering among men, if he is still alive and sees the light of the sun" (20.204–7). This is where the Cretan responds enthusiastically to the oxherd, and swears his oath of Odysseus' homecoming:

> "Oxherd, since you seem to be a man who is not evil or senseless,
> and I myself recognise that wisdom arrive in your thoughts,
> for this reason I will tell you this, and swear a great oath on it.
> Now let Zeus first, highest and most excellent of the gods,
> and the hearth of blameless Odysseus, which I have arrived at (be witness).
> Odysseus will come back while you are still in his house,
> and you will see him with your own eyes, and if you want to,
> the killings of the suitors, who are rulers here." (20.227–34)

Here the Cretan makes slight alterations to his oath. Now the time has grown shorter: Odysseus won't come home within the year (14.162f., 19.306f.), but while Philoetius is in the house, and he is invited to witness not just the oath, but the death of the suitors that the oath foretells. Philoetius' response almost confuses the identity of the Cretan and Odysseus, as he says: "I wish that the son of Cronus would make that so, stranger, and then you would know what strength these hands have." (20.236–7) Philoetius does not directly agree with the Cretan's

γύναι αἰδοίη Λαερτιάδεω Ὀδυσῆος (19.583): "When Odysseus does not use this formula, he here addresses Penelope with ὦ γύναι, the words with which he addresses his wife before leaving for Troy (18.259) and the regular address to a wife. He never addresses her, as the suitors do, by her "maiden" name. All this may well suggest to Penelope that the speaker is Odysseus." (1950, 11–12)

34 Cf. Penelope at 19.358f.

oath of Odysseus' homecoming, but unlike Eumaeus and Penelope, he does not say that it will not be so. Even Eumaeus seems to be won over by this oath, as he responds to the exchange by joining in the prayer that Odysseus will come home ("so in the same way as this did Eumaeus pray to all the gods", 20.238). These responses to the oath here are significant, because they almost exactly mirror their responses that cause Odysseus to reveal himself to them in book 21 (20.235=21.199; 20.237–9=21.202–4). The sworn story of Odysseus' homecoming is more plausible as the plot moves forward, and Philoetius' and Eumaeus' responses to that story are what allow Odysseus to trust them to help him against the suitors.[35]

The story of Odysseus' homecoming becomes more believable as the plot drives forward to its realization. This is a story that gains its own momentum, independent of the characters' trustworthiness. In this way a pattern emerges, but a pattern completely different from that which we saw in the *Iliad*. Here, there is never any doubt whether Odysseus as the Cretan is a trustworthy man, only whether he is telling a trustworthy story. The trustworthiness of that story then changes according to its place and function in the larger narrative. This paradox between the trustworthiness of the man and that of the story becomes more complicated when we consider oaths in the characterization not of the Cretan, but of Odysseus.

With the exception of the oath sworn with the suitors' families at the end of the *Odyssey* (24.546), Odysseus' oaths and self-curses in both epics are all volunteered. As with Achilles, these volunteered oaths often lend emphasis to something said. The majority of these oaths in the *Odyssey* assert that Odysseus is coming home, and this story must be sworn to those who have no reason to trust in it. While Odysseus is in disguise and lies about who he is as he gives all of these homecoming oaths,[36] Odysseus never swears to anything false, nor does he use these oaths in a directly manipulative way. The *Iliad* and the *Odyssey* both characterize Odysseus as a liar, but we can also say, with confidence, what Stanford has said: "Homer's Odysseus never either in *Iliad* or *Odyssey* bears false witness against a φίλος."[37]

35 Callaway, 1998, 166: "So we have moved from total disbelief to active hope that Odysseus will return."

36 For the designation of these oaths as "tricky" and the association of Odysseus' use of oaths here and his relationship with Autolycus (and Hermes') uses of tricky oaths, see n. 24; cf. Callaway 1993, 19.

37 Stanford (1950, 48).

9 Oratory and rhetoric

A.H. Sommerstein

In S&B ch.5 it was repeatedly seen how the various obligatory and optional oaths that were ubiquitous in Athenian lawcourt practice might be exploited for rhetorical purposes.[1] In this section I want to cover two topics which are also connected, but a little less closely, with the working of the courts: discussions of the forensic exploitation of legal oaths by teachers and theoreticians of rhetoric, who were naturally as aware of the possibilities they offered as were its actual practitioners,[2] and three or four ways of using oath-language which, from the 370s or 360s onwards, become standard features of the orator's technique.

A fascinating example of what an orator can do with an oath-procedure appears to lie behind a passage, at first sight decidedly enigmatic, in the so-called *Rhetorica ad Alexandrum* (1432a5–11), usually ascribed to Anaximenes of Lampsacus, a contemporary of Aristotle:

> And it is possible to smuggle through a piece of testimony in this kind of way: "Testify for me, Callicles."[3] – "No, by the gods, I won't, because I tried to stop that man doing what he did." And in this way, though he has given false evidence in the course of refusing to testify, he will not be liable to a prosecution for false testimony. Accordingly, when it is to our advantage to smuggle testimony through, we will make use of it in this way; but if our opponents do anything of the sort, we will expose their skulduggery and tell them to put it into writing and testify to it.

What is going on here? As often happens in the Aristotelian corpus, the argument has been presented very sketchily and needs to be fleshed out. The idea seems to be that one can "smuggle through a piece of testimony" by pretending that a witness is hostile when he is actually friendly. As discussed in S&B §5.10, it was often considered a good ploy to call a witness who was expected to be uncooperative, put to him a statement that he would not be able to accept, and force him to resort to the *exōmosia*, swearing that he did not know this statement to be true. In the case imagined here, Callicles is either a friend of the prosecutor who calls him to testify (a fact unknown to the defence), or else the prosecutor has paid

1 Various other forms of rhetorical exploitation of oaths, particularly that of presenting one's opponents or enemies as perjurers, are valuably discussed by Martin 2009.

2 Though one practitioner who became a teacher, Isocrates, seems to have refused on principle ever to use oaths for such purposes (see ch. 15). For what it is worth, there are also no oaths in the (much smaller) surviving remains of the works of Isocrates' own teacher, Gorgias.

3 Or "Lysicles" (the manuscripts and other textual witnesses are divided).

him. He calls Callicles to the stand and asks him to testify to some such statement as "I encouraged the defendant to commit [whatever crime he is accused of], and he did so". Since this is self-incriminating, the defence will expect Callicles to refuse to confirm it, and indeed he does refuse. The trick lies in the way he does so. For (by prior collusive arrangement, of course) what he says is "No, I won't testify, because *I tried to stop that man doing what he did*." The italicized statement is (we are to understand) false, but because it has been made, not as part of a witness statement, but in the process of *refusing* to make a witness statement, Callicles is not liable to be sued for giving false testimony – because he has not given any testimony at all! Of course he had no business making a statement like that to the jury if he wasn't actually a witness; but (he will claim, if challenged) it just slipped out by accident. He then takes the *exōmosia*. Thus the prosecutor, by calling Callicles, has managed to put *two* false statements in front of the jury – that the defendant had committed the crime with Callicles' encouragement, and that he had committed it despite Callicles' dissuasion – without incurring any liability, whether religious or legal. Moreover, while Callicles will have denied the first statement (or at least denied knowing it is true), he will not have denied the second. To take a concrete (if slightly different – and purely imaginary) example, elaborating on a rhetorical trick that in modern times has become proverbial:

> X falsely accuses Y of beating his wife.
> X prepares a witness statement for Z: "Y beats his wife regularly."
> Z, called to the stand, says "No, I can't testify to that; actually Y has stopped beating her."
> Z swears that he does not know the prepared statement to be true.

X has thus got Z to tell the jury, falsely, that Y has in the past beaten his wife (and is thus guilty as charged) without either committing perjury or giving false testimony.

As Anaximenes says, the expert rhetorician will not only be able to use this ploy effectively himself but will also be alert at detecting it when used by others. The tell-tale feature will be the calling of a witness *who is unknown to the opposition* and who rejects the statement put to him. The recommendation to "tell [the party calling the witness] to put [his allegedly impromptu statement] in writing and testify to it" is a little over-compressed. For one thing, while it is the prosecutor who would put Callicles' statement in writing, it is Callicles himself who would "testify" to it; more importantly, by the time the opposition speak, it is too late to ask the prosecution to draft witness statements and get them confirmed. Rather, the defence will say something like this (the following passage is of my own composition):

> Either what Callicles has said to you here is true, or it is not. If it is true, why did he not go to the prosecutor and tell him straight away, why did the prosecutor not draft a statement based on what Callicles had said, and why did Callicles not testify to that statement, instead of taking a course that opportunely shields him from any risk of prosecution for false testimony? There can be no reason; therefore what he has said to you is a lie.

In the *Rhetoric* of Aristotle, oaths (by which is meant oath-challenges, on which see S&B §5.11) are listed among the "artless proofs" (*atekhnoi pisteis*) alongside laws, witnesses, contracts, and tortures (i.e. torture-challenges). What "artless proofs" have in common is that they are all types of *evidence*,[4] as opposed to "artful proofs" (*entekhnoi pisteis*) which are types of *argument*. Aristotle gives an elaborately structured discussion (1377a8–b10) of the arguments which can be used by a party (i) refusing to give the opposition the opportunity of taking an oath, (ii) refusing to accept a challenge to swear, (iii) accepting such a challenge (or offering one's own oath), and (iv) issuing one. All four possibilities are considered on an equal basis, with no apparent awareness that (iii) and (iv) are almost the only ones to appear in actual lawcourt practice and that those who reject oath-offers or oath-challenges made by their opponents normally say nothing about it.[5] Similarly, advice is given not only to those whose opponents are prepared to swear an oath that contradicts one they have previously sworn, but also to those who are in the same position themselves – to whom the only worthwhile advice would in fact be "don't do it, or if you must, don't draw the jury's attention to it".

To turn now to my second topic. Orators, like other speakers, frequently use informal, and sometimes formal, oaths to add force and emphasis to their statements. But sometimes laying emphasis on the truth of a statement can be an ironical device serving to convey to the listener the suggestion that the statement is probably *not* true; the Greek particle *dē* "truly" was frequently used in this way,[6] as once was English "forsooth" (which meant literally "in truth"). In general

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4 Laws were items of evidence on the same footing as witness-statements, contracts or challenges; in a private suit, any law that either side wished to have read in court had to be specified at the arbitration hearing and sealed in the evidence jar (*echinos*). The jury, though sworn to decide the case according to the law (see S&B §5.4), were neither assumed nor expected (as a modern judge theoretically is) to have a complete knowledge of the law: if a litigant lost his case through failing to cite a law which would have been decisive in his favour, that was his fault, not the jury's, just as if he had lost through neglecting to call a vital witness.

5 Likewise detached, to an even greater extent, from forensic reality is the treatment of torture-challenges (1376b31–1377a7), where much more space is given to arguments against the reliability of torture (hardly ever found in actual speeches) than to those in its favour (which are very common).

6 See Denniston 1954, 229–36.

the ironical use of oaths was not common in Greek, because (as the practice of "sidestepping" makes clear in another way – see ch.10) it was the wording of an oath, not the intention behind it, that was binding on the swearer. In one context, however, oaths *could* safely be used with an ironical significance: if a speaker put them into someone else's mouth. And this became a convention and a cliché in what is called the oath of the "imaginary objector".

It was commonplace for a speaker to anticipate, and refute in advance, a point that might be raised by his opponents – usually, of course, presenting that point in a highly tendentious way, setting up a straw man that would be easy to demolish. This was already a regular device in the fifth century, as some examples from drama show. In Euripides' *Trojan Women*, produced in 415, Helen, captured at the fall of Troy, is speaking for her life in front of her husband Menelaus, and arguing that her elopement with Paris was not her fault but that of the goddess Aphrodite. She continues (*Tro.* 951–5):

> At this point you might have a plausible argument against me: when Alexandros [Paris] died and went below the earth, since I was no longer bound in a union that a goddess had made, I should have left my home and gone to the Greek ships. Well, that is precisely what I kept trying to do!

Still earlier, in Euripides' *Telephus* (produced in 438), the disguised Telephus uses a very simple form of the trope when arguing that Telephus and the Mysians had been justified in resisting a Greek attack: "Someone will say 'they shouldn't have done'" (Eur. fr. 708) – to which Aristophanes, imitating/parodying Telephus' speech and applying it to Sparta's decision to declare war on Athens in 431, adds " ... well then, say what they *should* have done!" (Ar. *Ach.* 540). In actual oratory the "anticipated objection" was at first usually signalled by a phrase like *eipoi tis an* "someone may say"; the following is an example from one of the earliest surviving speeches ([Lys.] 20.16–17):[7]

> This man shows in many ways that he is loyal to you; in particular, if he had wanted to make any revolution against the mass of your people, he would never have left the country only eight days after becoming a member of the Council [i.e. the Four Hundred]. But *someone may say* (*eipoi an tis*) that he sailed off for gain, like some men who took to making plundering raids. Well, no one can show[8] that he is in possession of any of your [public] property; in fact they accuse him of anything rather than his conduct in office.

7 This speech is too early to have been the work of Lysias; it appears to date from soon after the first restoration of democracy in 410.

8 Or perhaps "That means that no one can show ...", in which case the point would be that the implicit accusation of piracy is a red herring to divert attention from the prosecution's lack of

The sole example in the earlier orators of the use of an oath in an "anticipated objection" comes in an *ekklēsia* speech (or what purports to be one), that of Andocides in 392/1 supporting the proposals for ending the Corinthian War that had emerged from the conference at Sparta to which he had been one of the Athenian delegates. At one point in this speech (Andoc. 3.13–16), he asks what valid reason Athens could have for continuing the war:

> So that our city may have her freedom? But she already has it. Or so that we may build walls? We get that right by the peace treaty. Or to have the right to construct warships, and to repair and retain the existing ones? That is provided for too, because the agreement says that the cities are to be autonomous. Or to recover the islands of Lemnos, Scyros and Imbros? It is explicitly stated that these shall belong to Athens. Well then, to regain the Chersonese, and the colonies, and land abroad owned by Athenians, and debts owed to them? But our allies and the Great King won't agree to all that, and we can't gain it in war without their aid. Or, *by Zeus,* must we fight until we have imposed our will on the Spartans and their allies? But I don't think we have the resources for that, and if we do succeed in it, what can we expect the barbarians [i.e. the Persians] to do to us on the morrow of our success?

The function of "by Zeus" (*nē Dia*) here seems to be not so much to signal that this is a suggestion by an imaginary opponent (for so too are the five that precede it) as to mark it as the climax of the series.

Lysias, whose speech-writing activity seems to have ended about 380, never uses oaths in imaginary objections[9] (indeed he does not use imaginary objections much at all); they first appear in the mid to late 370s, in the speech *On the Estate of Nicostratus* by the outstanding speech-writer of the next generation, Isaeus. The "someone may say" trope has by now passed through two further stages of development. In the first place, the words of the imaginary objector (whether presented in direct or in indirect speech) came frequently to be reinforced by an oath. When first used, this formula may have been designed to indicate that the imaginary objector was making his point very earnestly and that *prima facie* it had considerable plausibility; but very soon it became simply a signal that the statement being made *was* an imaginary objection, being set up for a crushing refutation. Once this convention was established, the phrase "someone may say" was redundant, and from now on it is usually omitted;[10] and this stage has already been reached in *On the Estate of Nicostratus*:

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evidence to support their actual charges. The speaker, of course, may himself be trying to divert attention from the fact that he has made no attempt to rebut the accusation.

9 Neither, unsurprisingly, does Isocrates (see n. 2 above).

10 It is, however, retained in several passages (e.g. Dem. 20.3, 21.222, 23.64), including the only

> Consider the greatest point, the one that testifies most strongly to Chariades' shamelessness. When his [supposed] adoptive father[11] died, he did not take up the body, did not cremate it, did not collect his ashes, but left all these tasks to be performed by those not related to the deceased: how utterly impious must he be, then, after having performed none of the customary rites over him, to claim to be the heir to his estate? "*But, by Zeus, after having done none of these things, he administered Nicostratus' estate.*" But you have already had testimony about that, [12], and most of it he himself does not deny (Isaeus 4.19–20).

It is entirely typical that the speaker insinuates part of his own case ("after having done none of these things") into a sentence (it is hardly ever more than one sentence) that he has put into the mouth of an opponent.

In the speech *On the Chersonese* (8.15–17) Demosthenes strings together three oaths of this kind in quick succession. He has argued that if Philip of Macedon lays siege to Byzantium, the Byzantines are certain to seek Athenian help:

> And then, if we are not able to send an expedition from Athens, and there is no adequate assisting force in being in the region, there will be nothing to save them from destruction. "That's because, *by Zeus*, they are out of their wits and incredibly stupid." So be it, but all the same they need to be saved because that's in our city's interest. And, what's more, it's not yet clear to us that he [Philip] won't enter the Chersonese – to judge by the letter he sent to you, where he says he'll defend himself against those living in the Chersonese. If we have the force that's in existence, it will be able to come to the aid of that country and to do some harm to Philip's territory; but once it's disbanded, what shall we do if he enters the Chersonese? "We'll put Diopeithes[13] on trial, *by Zeus*." And how will that help the situation? "We can send an expedition from here." And if the wind won't let us? "But, *by Zeus*, he won't attack." And who's going to guarantee that?

Altogether there are about eighty instances of this use of *nē Dia*.[14] The great majority are in the Demosthenic corpus, where they occur in speeches of all types, forensic and political, and from all periods of Demosthenes' activity;[15] there are

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two occasions when the trope is used in speeches attributable to Apollodorus son of Pasion ([Dem.] 49.64, 52.26).

11 Chariades claims that Nicostratus had adopted him by will; his opponents say this will is a forgery.

12 Not in the surviving speech; this is, however, supplementary to the main speech or speeches delivered by the actual claimants, Hagnon and Hagnotheus, and they had doubtless called witnesses on the matter referred to.

13 The Athenian general commanding forces in the region.

14 On two occasions (Isaeus 4.24 and Dem. 8.17) the objector's statement is negative and the formula is *ma Dia*.

15 In addition to the two that appear in speeches by Apollodorus (see n.10 above), they are also found in two other speeches in the corpus that are universally agreed to be spurious: there is one in [Dem.] 58 (*Against Theocrines*) and six in [Dem.] 25 (*Against Aristogeiton I*).

five in Isaeus,[16] three in Hypereides,[17] and one in Deinarchus.[18] The trope is not used at all by Aeschines – which, in view of the great length of his three speeches, is probably not an accident.

From the 350s onwards another variety of the trope becomes popular. In this, the orator asks a question, invents an answer which might be given by someone determined to disagree with him, and then tears this answer to pieces. Here is a Demosthenic example from a dispute between two sons of Mantias of Thoricus by different mothers. Boeotus has been claiming the right to be known by the name of Mantitheus, which happens also to be the name of his half-brother; the latter – who, unlike Boeotus, has no alternative name to fall back on – asks what will happen, in various situations involving compulsory civic responsibilities, if the two men have precisely the same name.

> What if some other magistrate appoints ["Mantitheus son of Mantias of Thoricus"] to perform a liturgy – say the archon, or the king, or the *athlothetai*[19] – what indication will there be which of us they are appointing? *By Zeus*, they will add the words 'the son of Plangon', if they mean you,[20] and my mother's name[21] if they mean me. And who has ever heard of that, or by what law could one insert that supplementary designation, or anything else except the father and the deme? (Dem. 39.9)

In this case the invented answer is one that Boeotus could really (and, as a matter of fact, quite reasonably) have given. But sometimes the device is used in a spirit of savage irony, and the answer offered is obviously false –

> You must ... consider what on earth Meidias can have suffered to make him plan to take such ferocious revenge for it on a fellow-citizen. If it is something terrible and monstrous, you will forgive him; but if it is nothing of the kind, then just look at the unbridled barbarity which he displays towards everyone who crosses his path. Well, what has he suffered? "*By Zeus*, he lost a big lawsuit, so big as to strip him of his worldly goods." But the lawsuit was only for a thousand drachmae! (Dem. 21.88)

16 Isaeus 3.24, 73; 4.20, 24; 7.33.

17 Hyp. *For Euxenippus* 11, 14 and *Against Diondas* 8.25 (Carey et al. 2008, 11).

18 Dein. 2.8.

19 These magistrates, among their other duties, appointed the *chorēgoi* for the City Dionysia and Thargelia, for the Lenaea, and for the Great Panathenaea respectively.

20 Although this answer is presented as being one that Boeotus might give, Mantitheus does not adopt Boeotus' persona when uttering it: the second person still denotes Boeotus, and the first person Mantitheus himself.

21 As is usual, the speaker avoids mentioning the name of a respectable living woman connected with himself, but is happy to refer to his opponent's mother by name; see Schaps 1977 and Sommerstein 1980.

– or obviously such as no sane person, or no self-respecting person, would give, as in the following two instances:

> It is written in his law, "And if any of the debtors has been, or is subsequently, punished additionally with imprisonment, he may be released on providing sureties that he will pay the sum due by the ninth prytany." So what resources will there be? How is an expedition going to be sent out? How shall we enforce payment, if every debtor posts sureties according to this man's law, instead of fulfilling his duty? *By Zeus,* we will say to the rest of Greece "We have Timocrates' law here; please wait till the ninth prytany, then we will send out our expedition"! That'll be all we can do. And if you need to defend *yourselves*, do you imagine that our enemies will wait for the dodges and crookeries of our local villains? (Dem. 24.93–94)

> So I, who had observed our city, on so many notable occasions, willingly fighting for the interests of others – now when we were taking counsel, in a manner of speaking, about the city's own future, what was I going to instruct or advise her to do? To bear grudges, *by Zeus,* against those who wanted us to save them, and to seek excuses that would lose us everything! And who wouldn't have put me to death, and rightly too, if I had attempted even by word [let alone action] to put any of our city's former glories to shame? (Dem. 18.101)

Once this use of *nē Dia* became established, it might sometimes function as little more than a sentence-adverbial, with very little surviving of its original meaning, and serving merely to signal irony, as in this instance, again from the *Chersonese* speech:

> If ... it is manifest that Philip – before Diopeithes and the settlers, whom he now accuses of having caused the war, ever left Athens – had unjustly seized many of our possessions ... and had all the time continually been taking control of Greek and barbarian territory and organizing it against us, what is this that is being said, that we must "either go to war or keep the peace"? We don't have a choice in the matter: all that remains is to do the thing that is absolutely right and absolutely necessary, which these speakers deliberately ignore. And what is that? To fight back against one who is already waging war on us. Unless they're saying, *by Zeus,* that so long as Philip keeps his hands off Attica and the Peiraeus, he is not harming our city and is not making war! (Dem. 8.6–7)

Note that *nē Dia* here stands *outside* the clause giving the supposed content of what "they're saying". Roughly speaking, the message it conveys is "Of course they're not *actually* saying this in so many words, and they wouldn't be prepared to admit that it's implicit in what they do say – but it is, and it's an absurd position to take". We are well on the way to the time when *nē Dia* can be used in this sense by a believing Jew like Josephus without any apparent awareness that it is actually an oath by a pagan god:

> He [Manetho] says that King Amenophis had a desire to see the gods. What gods? If he meant the gods who were recognized by Egyptian law – the ox and the goat and the crocodile and the baboon – he could see them already. But how could he see the heavenly gods?

> And why did he conceive this desire? Because, *by Zeus*, another king before him had seen them! In which case he had learned from this predecessor where they came from and how he had managed to see them, so he did not need any new technique for the purpose (Jos. *Against Apion* 1.254–5)

In another, related rhetorical use of *nē Dia*, it comes to be virtually a more emphatic equivalent of the familiar particle *men* "on the one hand"; it says to one's hearers "yes, this statement is true and important, but another statement is coming that is also true and is much more important".[22] Thus Demosthenes in the *Second Philippic*, quoting what he claims to have said to the Messenians about the danger of trusting monarchs bearing gifts, after instancing the examples of Philip's treatment of the Olynthians and the Thessalians:

> But these things are in the past, and everyone can see them. You now behold Philip making gifts and promises: you should pray, if you are wise, not to see the day after he has cheated and tricked you. Well, there are all sorts of things, *by Zeus*, which have been invented for the protection and safety of cities – palisades, walls, trenches, and everything of that kind. They are all the work of men's hands, and money has to be spent on them. But there is one means of protection which is possessed innately by all wise men alike, which brings blessing and safety to all, but especially to democracies confronting tyrants. And what is this? Mistrust! Keep watch on that, hold fast to it; if you maintain that, you will never suffer disaster (Dem. 6.22–24)

Unlike the oath of the "imaginary objector", this use of *nē Dia* is also found in the speeches of his great rival Aeschines, who here exploits it the more effectively to damn Demosthenes' ancestry.

> There was one Gylon of Cerameis, who [after being prosecuted for treason and fleeing the country before trial] came to Bosporus[23] and there acquired as a gift from the local rulers the place known as The Gardens. He married a woman who was rich, *by Zeus*, and brought him a large dowry in gold, but was a Scythian by race. She bore him two daughters ... one of whom, in defiance of the laws of the city,[24] Demosthenes of Paeania took as his wife, to become the mother of this denunciating busybody that you have here (Aeschines 3.171–2)

At the same time, oaths of greater weight, often taken in the name of two or more gods or of "the gods" collectively, were frequently used to add force and credibility to key assertions, as Plato (*Laws* 949a-b) complains. Numerical particulars of such oaths will be given in ch. 13; like the other kinds of oaths we have

22 English for this purpose can use phrases such as "to be sure" and "it is true that"; German has the particle *zwar* (derived from *zu wahr* "for a truth").

23 i.e. Crimea.

24 Unlikely to be true, since Demosthenes' right to citizenship was never, so far as we know, challenged in the courts.

seen, they first make a significant appearance in Isaeus and are most frequent in Demosthenes. They can be used for a variety of purposes. Here, for instance, is Demosthenes trying to disparage the importance of the actual charges of illegality against the decree awarding him a gold crown, and to distract attention from the weakness of his defence to these charges:

> As for the arguments which this man produced about the laws attached to his indictment, churning everything up and down, I don't suppose, *by the gods*, that you understood them, and I myself couldn't make out what most of them were about; but I shall speak to you, straight and simple, about the rights of the matter (Dem. 18.111).

And here is Aeschines getting maximum mileage out of allegations of appalling depravity that he hasn't actually made, and for which he probably has no evidence:

> The crimes and outrages which I have heard this fellow [Pittalacus] has committed against the person of Timarchus are such, *by Olympian Zeus*, as I would not dare to mention to you. They are things which he was not ashamed to do in actuality, but if I described them to you clearly in words I could not afterwards bear to live (Aeschines 1.55).

I end by citing a remarkable passage, again from the *Chersonese* speech, in which Demosthenes *combines* the two usages we have just been talking about. He seems at first to be using an oath in the sense of (indeed, in combination with) the particle *men* to say "yes, this is true, but there's more to come"; but as he proceeds, it becomes clear that the first half of the antithesis is the one that carries the weight: "disgraceful but not disastrous" turns into "not disastrous, but disgraceful", and we realize that the oath is not designed to diminish but to enhance the force of the statement to which it is attached, and that Demosthenes is doing what he does so often, affirming that his policy of strenuous resistance to Macedonian power is in line with the principles and ideals that Athens has always championed, striking the same note that he does even more memorably in the Marathon oath (Dem. 18.208; see ch. 13 *ad finem*) a dozen years later.

> If there is any god (for there could never be a human being with enough credit-worthiness for the task) who could guarantee that, if you keep quiet and let everything go, that man [Philip] won't come for *you* in the end, then while it is disgraceful, *by Zeus and all the gods*, and unworthy of you and of your city's record and of your ancestors' deeds, to let all the rest of the Greeks fall into slavery for the sake of your own ease, and I myself would sooner be dead than have said such a thing – all the same, if someone else says it is so and persuades you of it, then so be it, don't resist, surrender everything! But if nobody believes that – if on the contrary we all know that the more we let him extend his power, the stronger and more dangerous will be the enemy we have to face – then why are we hesitating? What are we waiting for? When, Athenians, shall we do what needs to be done? (Dem. 8.49–50)

10 “Artful dodging”, or the sidestepping of oaths

10.1 The difficulty of proving an oath false: the case of Euripides’ *Cyclops*

I.C. Torrance

Although there are unequivocal examples of perjury in the corpus of archaic and classical Greek texts (on which see especially ch. 12), it seems that, on the whole, the ancient Greeks were careful about avoiding perjury and sometimes used ambiguous phrasing to do so. Some of the more extreme examples of purposely duplicitous phrasing will be discussed by Andrew Bayliss in the remainder of this chapter.[1] By way of introduction to this phenomenon, I will discuss here the example of Silenus’ formal oath to the Cyclops in Euripides’ *Cyclops* (example #4 in the table in §10.2 below). It seems at first glance to constitute a straightforward perjury, and Judith Fletcher has discussed it in this light,[2] but it is possible to argue that the language of Silenus is carefully ambiguous, and the example highlights the potential difficulty of proving an oath false.

Silenus makes a statement on oath in which he denies selling the property of the Cyclops to Odysseus and his men (*Cycl.* 262–9). This seems to contradict directly the oath of Odysseus sworn immediately beforehand in which he stated that Silenus was selling the sheep in exchange for wine (253–61). Moreover, the audience has seen that Odysseus and Silenus were indeed engaged in the transaction described by Odysseus when the Cyclops returned to his cave, and the chorus of satyrs promptly throw in their own oath stating that they saw Silenus selling the Cyclops’ property to the strangers (270–2). On the face of it, it seems that Silenus is lying on oath. If the oath is indeed a perjury, however, it is curious that it is formal and elaborate, far more so than any other oath in the play. Silenus invokes as sanctifying witnesses Poseidon (as the Cyclops’ father), great Triton and Nereus, Calypso and the Nereids, the sacred waves and the whole race of fish (262–5), and expresses a formal curse for perjury, that his children (the satyrs) whom he loves very much should perish wretchedly (268–9). The length of the oath and its formal details should make us wonder whether Silenus really is committing perjury. It is possible that the curse on the satyrs is supposed to be a joke, and that Silenus really does not care about them. This would seem to be confirmed by the satyrs’ contradiction of their father’s oath, expressed with a curse

1 On the subject of duplicitous or ambiguous oaths, see also Torrance 2012, 301–12.

2 Fletcher 2005, and 2012, 146–57.

against *him* (270–2). Seaford compares Soph. *Ichn.* 157, where Silenus calls the satyrs "the basest of beasts" and stresses Silenus' cowardice in this scene, suggesting that "[t]o invoke destruction on oneself is more convincing than invoking it on others".[3] However, if the "others" in question are one's own children, then the oath-curse conforms to the expected punishment for perjury *for mortals*, which was the extinction of one's family line. Seaford is right to stress that normally a swearer would put a conditional curse on themselves as well as on their children, but we can compare the fate of Jason in Euripides' *Medea*. He breaks his oath and although he survives, he is punished by the death of his children and the death of his new bride by whom he had hoped to have more children (see pp. 133–4 for further discussion). Silenus' expressed curse conforms to expected terms for human oaths,[4] but since he and the satyrs are immortal there is no possibility that either he or they will perish miserably, and they do not. The joke, then, seems to focus on Silenus' cleverness in using an oath-curse which does not apply to his species.[5]

Even if the oath-curse is not valid, there remains the long list of deities invoked as sanctifying witnesses. As is discussed in §6.1, the number and identity of divinities called to witness an oath can add solemnity to that oath, and it is striking that, although Silenus swears six out of the nine oaths in the play, this is his only formal oath, and the only oath in which multiple deities are called upon as witnesses.[6] It would be remarkable for Silenus to perjure himself with his most elaborate oath. The sea-divinities Silenus invokes are chosen, in the first instance, for their connection to the Cyclops who is the son of Poseidon.[7] The deities are also appropriate given that the play is set on the coast of Sicily. If Silenus is committing perjury, then it would be expected that he will be hounded by the forces who have witnessed his oath, but there is no indication that this happens. The end of the play is vague concerning the fate of Silenus, but one can reasonably assume that he will join the satyrs in returning to the service of Dionysus (*Cycl.* 709). Judith Fletcher has argued that the implied rape of Silenus by

3 Seaford 1984, *ad* 268.

4 See also S&B 86 with n. 90 on the validity of swearing oaths on the heads of one's children.

5 A comparable joke occurs in Aristophanes' *Frogs* (586–8) when the god Dionysus swears an oath in which he specifies his own death and that of his wife (who is either immortal herself, or long dead) as a conditional curse.

6 Silenus swears informal oaths at *Cycl.* 8–9, 154, 554–5, 558–9, 560. Odysseus, the chorus of satyrs and the Cyclops swear one oath respectively at 253–61, 270–72, 585–6.

7 We will later discover that Polyphemus has no care for his father or for any of the other gods (*Cycl.* 316–35), but their power is never in question.

the Cyclops is his punishment for perjury,[8] but the rape is never confirmed, and even if it is to be imagined as having occurred, this would be an unparalleled and unprecedented punishment for perjury. The normal punishment for immortals who committed perjury was exclusion from their community for a period of many years as we saw above (§7.3.1). With no comparative data, it is difficult to conclude that a Greek audience would have made any connection at all between a potential rape and swearing a false oath. Fletcher's arguments highlight the complex nature of this case. Silenus certainly appears to be committing perjury without incurring any punishment, unless we posit, as Fletcher does, that he is punished in Polyphemus' cave. However, since oath-language can be cleverly manipulated to avoid perjury, as the remainder of this chapter shows, it is worth considering exactly what language Silenus uses in making his sworn statement.

Silenus claims that he was not selling the property of the Cyclops to the strangers (*Cycl.* 267–8 μὴ τὰ σ' ἐξοδᾶν ἐγὼ | ξένοισι χρήματ'), but the infinitive used in the indirect-statement construction can be read as equivalent either to an imperfect indicative ("I *was* not selling your property to the strangers") or to a present indicative ("I *am* not selling your property to the strangers"). The former would be perjury, but the latter is perfectly true. Silenus is not at that point selling anything. If he swears on oath that he *is* not in the process of selling the property, he is not contradicting the oath of Odysseus, who swears by means of a self-curse, using imperfect tenses, that Silenus *was* in the process of selling sheep in exchange for wine (253–61). Similarly the subsequent oath of the satyrs in which they state that they *saw* Silenus in the process of the selling the goods (270–2) does not make Silenus' oath untrue.[9] All three oaths in this exchange can be read as technically true. The ambiguity of Silenus' oath-statement, coupled with the formality of the oath with its additional sanctifying features (numerous deities invoked, and a curse specified), and the lack of any clear perjury-related punishment, suggest that Silenus' oath is true.

Of the remaining oaths sworn by Silenus in *Cyclops*, several are basic factual statements related to the wine. Silenus swears that he has not seen the wine which Odysseus has brought but can smell it (*Cycl.* 154), that he will not weep about loving the wine which does not love him back (554–5), that he will not hand over the wine until he sees the Cyclops taking the garland and has a little taste himself (558–9), and that the wine-pourer (i.e. Silenus himself) is not unfair

8 Fletcher 2005 and 2012, 146–57.

9 The satyrs make the statement with a conditional curse on their father, a comic response to the conditional curse that he had placed on their heads. In spite of the unusual curse-formula of the satyrs, the passage is clearly meant to be a counter-oath to that of Silenus.

(560). Silenus' first and last oaths, however, are less straightforward. In the prologue he lists several uncharacteristically brave actions, which he claims to have accomplished for Dionysus during the Gigantomachy (1–8). He then breaks off and wonders whether he had dreamt it all, before confirming with an oath that it was not a dream since he had displayed the spoils of his victories to Dionysus (8–9). The sequence is rather striking. As Seaford observes, it is highly unlikely that Silenus actually performed any of the feats of combat which he claims to his credit.[10] The fact that he questions the validity of his own narrative seems to function as a cue for the audience to question it also.[11] The affirmatory oath is then unexpected, as are the reported "proofs" displayed before Dionysus. The function of the oath here is to stress that Silenus *believes* he has accomplished the brave deeds he has listed. Similarly, in the last oath of the play sworn by the Cyclops where he states that Silenus is Ganymede (585–6), it is clear that this is what the Cyclops *believes* in his drunken stupor. In these cases the swearers' belief overrides the factual accuracy of their statements and the oath cannot be regarded as a perjury, since intention is an important element in the Greek understanding of perjury, as will be discussed further in ch. 12.

10.2 The concept of sidestepping

A.J. Bayliss

The Greeks had a tricky reputation when it came to oaths. According to Herodotus (1.153) the Persian king Cyrus the Great dismissed the Greeks as a people "who have a place set apart in the middle of their city, where once assembled they deceive each other swearing oaths".[12] The thrust of Cyrus' jibe is clearly that the Greeks condoned casual perjury,[13] and the evidence we possess on first reflection suggests that Cyrus was not misinformed about the Greeks. For out of the

10 Seaford 1984, *ad* 1, 5–9, 7, 8, cf. Ussher 1978, *ad* 5–8, Biehl 1986, *ad* 7f.

11 Silenus draws the audience's attention to the fictional potential of poetic narrative. On metapoetic games in Euripides' *Cyclops*, see Torrance 2013, 245–64.

12 It has been well noted that it is particularly ironic that Cyrus chooses to make this jibe to the Spartans, the least mercantile of the Greeks (S&B 165–6; Lateiner 2012; Cartledge 2006, 25). But perhaps the fact that the Spartans appear to have been the most ready to deceive their fellow Greeks with oaths (see Bayliss 2009) makes them the right target after all? It is also worth bearing in mind that Plato (*Laws* 917c) considered perjury in the marketplace such a potential hazard that the market-sellers in Magnesia were to be forbidden from swearing oaths in order to promote their wares to customers (see p. 389).

13 Lateiner 2012, 159.

2096 entries for formal oaths recorded in the Nottingham database no less than 268 (12.5%) represent either an accusation of a false or broken oath or discussion of the concept of a broken oath. But taken together these passages need not mean that the Greeks were happy perjurers. Rather, the relatively frequent accusations of oath-breaking should be interpreted as a signal that the Greeks were very much not content with casual perjury.[14] Clearly some Greeks were prepared to break their sworn word or to lie under oath, but concrete examples of this are comparatively rare. Presumably some Greeks were more willing to consider perjury in a crisis, for Democritus (fr. 239) laments that base people swear oaths in a tight spot and do not bother to keep them when they get out of that tight spot.

But swearing a false oath was considered dangerous, as the oft-discussed case of Glaucus the Spartan makes clear[15]. According to Herodotus (6.86) the Spartan king Leotychidas claimed that Glaucus was punished by the gods for even *thinking* about swearing a false oath. When Glaucus asked the oracle at Delphi whether it would acceptable to lie under oath in order to cheat some Milesian strangers out of their share of a sum of money that had been left with him on trust he received the following reply:

> For now, Glaucus son of Epicydes, you have an immediate profit; to win by oath and steal the money; swear, since death awaits even the man who swears well. But Horkos has a child with no name, nor hands, nor feet, but swift in pursuit, until he has in his grasp all a man's offspring and household, which he destroys. But the offspring of the man who swears well shall afterwards be better.

Although this passage has generated some scholarly confusion,[16] the procedure involved here is obviously that of the oath-challenge (S&B §5.11), and Glaucus was clearly asking Apollo whether it would be acceptable to swear a false oath denying that he received the money on trust. Our sources make it clear that fraudulent claims could be made by both the depositor and the trustee,[17] and

14 The relatively frequent accusations of perjury should been seen as a reflection of the fact that the very nature of a sworn agreement inevitably implies that a false oath might be sworn, or that the oath might be broken, rather than the fact that oaths were actually frequently broken. As Hollmann (2005, 286, citing Burkert 1996, 170) notes, "the institution of the oath is inevitably accompanied by that of the false oath".

15 See p. 281 and S&B 168.

16 Scott (2005, 318–319) argues that there are three possibilities: an oath of denial, an oath of complaint to the ephors, and an oath of denial before the ephors. But the first seems the most obvious, and by far the least complicated. Mirhady (1991, 78) rightly treats this story as an oath-challenge.

17 Aelian (*VH* 3.46) cites a law from Stagira which reads: "do not claim what you did not put

it appears that claims and counter-claims could only be verified under oath. In theory the disputing parties could maintain the dispute right up until the point at which oaths were required without any penalty. The Greeks were not alone in allowing this possibility – in Near Eastern texts backing out at the last moment is known as "stepping back" from the oath.[18]

But Glaucus was not even allowed that option. When Glaucus entreated the god to pardon him for contemplating a false oath he was given the terrifying response "that to tempt the god and to do the deed had the same effect". Although modern scholars tend to focus on the unsuitability of Leotychidas as a commentator on the rights and wrongs of human behaviour,[19] his message is blunt and clear: even though Glaucus summoned the Milesian strangers and gave them back their money, "there are today at Sparta no descendants of Glaucus, nor any household that bears his name; he has been utterly rooted out of Sparta". Leotychidas' lack of personal morality need not diminish the potency of his message. Indeed, it may even enhance his message with Herodotus wanting his audience to see that even someone as dubious as Leotychidas can see that the gods punish perjury.[20]

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on deposit".

18 Sandowicz (2011, 36) discusses the options available to those involved in Babylonian oath-challenges, and identifies "stepping back" and "retreating" as options open to those who have claimed moneys left in trust, but then thought better of perjury. She notes that as far as the Babylonians were concerned, "losing a case was preferable to 'light-heartedly swearing a solemn oath by one's god' [*nīš ilīšu kabti qalliš zakāru*]".

19 Several modern attempts to explain this story (e.g. Immerwahr 1966, 214; T. Harrison 2000, 118; Scott 2005, 319) have been undermined by the knowledge that Leotychidas is by no means the best mouthpiece for a morality tale. We know that Leotychidas owes his throne to Cleomenes' bribing the Delphic priestess and his own denunciation (under oath no less!) of Demaratus in court (Hdt. 6.65–6), and that he will be deposed after being caught accepting bribes (6.72), and modern scholars have been too eager to focus on this aspect to the story. Johnson sees Leotychidas' speech as much better suited than meets the modern eye. Attempting to view the speech as Herodotus' contemporaries would have done, Johnson argues that Leotychidas' speech is not designed to convince the Athenians that they should hand over the men, but rather to demonstrate that his goodwill had been lost, just as Glaucus had lost Apollo's favour. As Johnson (2001, 22–3) puts it, "Herodotus...does not clumsily attribute an ineffective moralizing speech to the immoral Leotychidas" but rather he gives Leotychidas a blunt message that the Athenians and Aeginetans of his own day would understand – the threat of Spartan displeasure and punishment. This works even better if one interprets Leotychidas as issuing an oath-challenge to the Athenians – a challenge they do not accept. Effectively the Athenians have placed themselves in the position of Glaucus and are asking for retribution.

20 Lateiner (2012, 168 n41) speculates that the Glaucus story was "perhaps an ancient and use-

But keeping an oath could lead to disaster too. When Euripides' Hippolytus swore an oath not to reveal to anyone what Phaedra's nurse was about to tell him he could not have foreseen the trouble his oath would cause him. When the awful consequences of his oath became apparent Hippolytus lamented: 'my tongue swore, but my heart is unsworn' (Eur. *Hipp.* 612). This line, which illustrates perfectly the plight of someone who has regretted swearing an oath when circumstances have changed, became notorious because it seems on first reading to advocate the breaking of an oath.[21] Aristophanes parodied Euripides' line and the poet himself on more than one occasion (*Thesm.* 275–6; *Frogs* 1471),[22] while Hygiaenon went so far as to accuse Euripides of impiety because of the line (Arist. *Rhet.* 1416a31–2). In a slightly different vein the twentieth-century philosopher J.L. Austin interpreted the line as the ultimate get-out clause for an oath, arguing that Euripides "provides Hippolytus with a let-out, the bigamist with an excuse for his 'I do', and the welsher with a defence for his 'I bet'.[23] But the reality is that despite its notoriety Hippolytus' line is not obviously advocating perjury,[24] and it is not a successful escape clause.[25] Although it could be argued that Hippolytus was punished, like Glaucus, for even contemplating perjury,[26] we must bear in mind

ful example of Delphic boilerplate for intending cheats", and suggests that the phrasing parallels the Hesiodic picture of Horkos.

21 S.R. West (2003, 444) argues that the line "became notorious", and emphasises that Hippolytus' statement "makes a deeper impression on Phaedra…than Hippolytos' subsequent assurance that he regards his oath as binding". For a fuller discussion of this utterance of Hippolytus and reactions to it, see §11.3.

22 In *Thesm.* 275–6 Euripides' in-law feels the need to remind the tragedian that it was his heart that had sworn an oath to save him rather than merely his tongue (Euripides will go on to keep his oath, contrary to expectations), while the decidedly un-godlike Dionysus in *Frogs* (1471) uses Hippolytus' line to counter Euripides' claim that he has sworn by the gods to bring him back from the underworld.

23 Austin 1965, 10.

24 Mikalson (1991, 86) argues that "It is ironic and most unfair that this line, spoken by a character proven, in all tragedy, most loyal to oaths in the most trying and tragic circumstances, should have laid Euripides open to ancient and modern charges of impiety, promoting perjury, and hostility to traditional religion". When Plato (*Tht.* 154d) casts Socrates gently mocking the eponymous character for an ambiguous answer which is "in the Euripidean spirit; for our tongue will be convinced but not our heart" he seems much closer to the mark than Aristophanes or Hygiaenon. Cicero (*de Officiis* 3.108) did not interpret Euripides as advocating perjury, and in fact cited Euripides' line as evidence that oaths must be kept.

25 It is such an unsuccessful escape that Phaedra leaves the letter accusing him of rape because she is sure he will denounce her, despite his specific statement (656ff) that he will respect his oath and keep silent, and 612 explains why she disbelieves him.

26 Fletcher 2012, 191.

that Hippolytus ultimately keeps his oath despite the fact that doing so destroys any chance he has of defending himself, ruins his reputation and his relationship with his father, and ultimately costs him his life, and that the goddess Artemis explicitly praises him for doing so (*Hipp.* 1305–10).[27]

The stories of Glaucus and Hippolytus suggest that there were three options available to a man in trouble: (1) keeping the oath and suffering; (2) breaking the oath and suffering; or (3) swearing a false oath and suffering. But other Greeks found a fourth option: they dodged or *sidestepped* their sworn obligations[28] while ensuring that they did not perjure themselves. This could involve interpreting the oath in an unexpected manner, or intentionally phrasing a false oath in such a way that it was no longer technically false, or a combination of both.[29] Thus, Hippolytus might have been able to find a way out of his oath "not to reveal" what the nurse told him in a similar manner to the way in which the young Demetrius Poliorcetes is said to have dodged an oath of silence imposed on him by his father. According to Plutarch (*Dem.* 4) Antigonus the One-Eyed bound Demetrius by an oath of silence and then informed him of his plan to murder Mithridates who was one of his *hetairoi*. Demetrius was appalled, but "though he

27 Mikalson (1991, 86) argues that Hippolytus' line should be seen as a "momentary lapse, an immediate angry outburst by a character who almost immediately…reassumes and then maintains a proper, even exemplary, attitude towards his oaths". Benardete (2000, 94) stresses that Artemis praises Hippolytus for keeping his oath, and argues that the chorus need no such praise for keeping their oaths because unlike Hippolytus who considers breaking his oath "it never occurs to them to break it".

28 There is a minor problem of nomenclature here. Wheeler (1984, 253–74) includes Themison's successful dodging of his sworn obligation in a catalogue of 45 examples of what he designates "sophistic interpretations" of oaths. This tag is based on Eustathius' use of the term ὅρκος σοφιστικός. But it is a serious stretch to argue that this practice is "what the Greeks called a ὅρκος σοφιστικός" based on the writings of a twelfth-century AD theologian. There is in fact no *ancient* source which uses the term, and the oath for which Eustathius coined the term (Odysseus' entirely true oath to Penelope in his guise as the old beggar at *Odyssey* 19.303) is not discussed in this chapter because it does not really qualify as a dodging of an oath in the first place! Others have preferred to call the practice an attempt to "weasel" out of an oath (Lateiner 2012, 163; Bolmarcich 2007, 38). The Nottingham oath team chose the slightly less negative term "artful dodging" for the online database and for S&B, and this term has achieved a certain currency in modern scholarship (Fletcher 2012, 31). But for this chapter I have chosen to employ also the term "sidestepping", partly because I have come to consider this terminology more appropriate, and partly because of the phenomenon of "stepping back" from oaths in Near Eastern texts.

29 Wheeler (1984, 254) describes such practice as "neither perjury, i.e. swearing something false, nor breaking an oath, but rather an overly literal interpretation of the wording of the oath or agreement, of playing on some ambiguity of meaning to produce an interpretation contrary to that intended".

did not venture to open his lips on the matter or to warn him orally, because of his oath", he managed to sidestep his oath by drawing Mithridates aside while they were hunting and writing "fly, Mithridates" in the dirt with his spear. Demetrius was able to save his friend who would have been murdered unjustly and keep his oath to his father because he did not break his silence. Plutarch stresses that he has chosen this anecdote to provide an illustration of "the strong natural bent of Demetrius towards kindness and justice", which strongly suggests that Plutarch approved of Demetrius' sidestepping of his sworn obligations.

This technique would not have helped Glaucus, but he could have dodged out of paying his debt by swearing an oath that was true but misleading rather than trying to swear one that was obviously false. Hermes did just that when he offered to swear by Zeus' head "that he himself is not responsible [for the theft of Apollo's cattle], and that he hasn't seen anyone else stealing the cattle" (lines 274–6), but later swore merely that "he did not drive the cows home nor cross the threshold" (lines 379–80), and that "he will never pay compensation for ruthless theft" (lines 383–5). As Torrance notes above (§7.3.3), although both oaths are true, neither actually proves that Hermes is not a thief. While Zeus and Apollo are not fooled by Hermes' trick, neither compels him to clarify whether or not he really did steal the cattle, so the ruse does get Hermes off the hook so to speak. Furthermore, the fact that Zeus laughed at his young son's cunning (lines 389–90) implies strongly that he did not regard Hermes' attempt to use oaths to deceive as morally unacceptable.[30]

That Hermes' trick could be morally acceptable is significant. For chronologically Hermes' oath is merely the first of many oaths in Greek literature which can be said to have been dodged or sidestepped. **Table 3** provides the details of 35 such sidestepped oaths from what I have termed the "mythical past" to the end of the classical period.[31]

The aim of this chapter is to explore the variety of techniques that Greeks employed to sidestep their sworn obligations. Although the vast majority of passages are from works which can be placed in the genre of historical writing in its broadest sense (e.g. Herodotus and Thucydides, as well as Plutarch, Polyaenus and Pausanias), the majority come from what Wheeler has called "the genre of

30 Wheeler (1984, 260) suggests that the Zeus who laughs indulgently at his infant son's deception is Zeus Epiklopeios (wily, trickster, thief).

31 This table is based partly on that of Wheeler (1984), but includes several instances that Wheeler missed, and excludes numerous non-Greek and post-classical instances that Wheeler included. It also excludes several instances which did not strictly involve oaths, but instead vows. Although the focus of this chapter is the archaic and classical periods, later sources are included where they discuss events from these periods.

Table 3 Sidestepped oaths from the Mythical Past to the Fourth Century BC

	Reference	Date	Perpetrator	Devised/ Imposed	Nature of Dodge	Criticised/ Punished?	Morally Justifiable?
1	*Homeric Hymn to Hermes* 379	Mythical times	Hermes	Devised	When accused of stealing Apollo's cattle Hermes swears that he "did not drive Apollo's cattle home" when the reality is that he did steal them but hid them in a cave	No – Zeus laughs at Hermes' clever deception	Arguably, given that Hermes is the god of deception
2	Sophocles, *Trachiniae* 398–9	Mythical times	Lichas	Devised	After swearing to tell Deianeira the truth Lichas states that he "has no means to say" rather than "does not know" the identity of the principal female captive	Yes – after swearing by Zeus Lichas was killed by Zeus' son at Zeus' altar	No
3	Homer, *Iliad* 15, 36–46	Mythical times	Hera	Devised	Hera swears that it is not by her will that Poseidon is harming the Trojans because she did not *explicitly* order him to attack the Trojans	No, although Zeus does not seem to believe her	No – Hera shows great fear that Zeus will realise she is lying
4	Euripides, *Cyclops* 262–9	Mythical times	Silenus	Devised	When accused of having sold the Cyclops' property Silenus swears that he is not currently selling the Cyclops' property	Yes – the Chorus accuse Silenus of lying	No, he did sell the Cyclops' property
5	Ephorus fr. 119	Distant past	Thracians	Devised	The Thracians agree to a truce with the Boeotians for a specified number of days and then attack during the night	Yes – this led to the saying 'the Thracian pretence'	No
6	Plut. *Lycurgus* 2	Eighth century BC?	Soös, king of Sparta	Devised	Soös agreed to return land captured from the Cleitorians if he and all his men "would drink" but did not drink himself thus rendering the oath null	No – Plutarch remarks that Soös was held "in great admiration"	Yes – Soös kept territory they captured legitimately

	Reference	Date	Perpetrator	Devised/ Imposed	Nature of Dodge	Criticised/ Punished?	Morally Justifiable?
7	Polyaenus 5.5.1	730 BC	Theocles the Chalcidian (of Leontini)	Neither	Bound by an oath "not to disturb" the Sicels Theocles admits Megarian invaders into the city who drive the Sicels out on his behalf	No	No – Theocles and the Megarians were later driven out
8	Herodotus 4.154	ca. 700 BC	Themison	Imposed	Themison is bound by an oath to throw his friend's daughter into the sea, but ties a rope around her so he can draw her out afterwards	No	Yes – Themison was avoiding murder
9	Ergias of Rhodes *FGrHist* 531 F1	Seventh century BC?	Phalanthus, leader of the Phoenicians	Devised	Phalanthus agrees that he and his people will leave Rhodes with what they carry "in the belly", and then stuffs sacrificial victims with gold and silver	Yes – Iphiclus tried to stop Phalanthus when he learned of the trick	No – Iphiclus has bested the Phoenicians as foretold by an oracle
10	Ergias of Rhodes *FGrHist* 531 F1	Seventh century BC?	Iphiclus	Neither	Bound by an oath to provide the Phoenicians with boats (and in order to counter Phalanthus' trick), Iphiclus provides boats without oars or rudders	No – Iphiclus' attack on the Phoenicians is in fulfilment of an oracle	Arguably – Iphiclus is countering a trick
11	D.H. *Ant.Rom.* 19.1.3; Strabo 6.1.15	Seventh century BC?	Leucippus	Devised	Leucippus agrees to stay for "day and night" rather than "a day and a night" and thus argues he can stay forever	No	Yes – Leucippus is fulfilling an oracle
12	Polybius 12.6.3–5; Polyaenus 6.22	Seventh century BC?	Locrians	Devised	The Locrians agree to be friends with the Sicels while they have heads on their shoulders and tread on this earth, but have secretly hidden heads of garlic on their shoulders and dirt in the shoes	Yes – this ruse led to the saying 'Locrian faith'	No

	Reference	Date	Perpetrator	Devised/ Imposed	Nature of Dodge	Criticised/ Punished?	Morally Justifiable?
13	Plut. *Moralia* 244f–245b; Polyaenus 8.66	Seventh century BC?	Chians	Imposed	Bound by an oath to the victorious Erythraeans to leave with one cloak and one tunic, the Chians are encouraged by their wives to argue that their shields are tunics and their spears are cloaks	No – their opponents are stunned by their boldness and let them depart	Arguably given the lack of criticism
14	Herodotus 6.62	545–530 BC	Ariston, king of Spartan	Devised	Ariston offers his friend Agetus whatever item "of his" he might want and requires the same of Agetus. Once Agetus is bound by an oath Ariston demands Ariston's wife	Arguably starts a chain of events which end in the deposition of his son Demaratus	No (unless Agetus was asking for trouble by asking for oaths)
15	Aelian, *VH* 12.8	ca. 530–520 BC	Cleomenes, king of Sparta	Devised	Cleomenes beheads his friend and carries his preserved head in a jar in order to fulfil an oath "to consult his head" when making decisions	No	No
16	Herodotus 4.201	ca. 512 BC	Amasis, Persian general	Devised	Amasis dodged a sworn truce with the Barcaeans that would hold while "the earth on which they stood held firm" by means of a secret platform over a trench which was concealed with soil	No	Yes – the Barcaeans were justly punished for murdering their king
17	Athenaeus 8.338c	ca.500 BC	Lasus of Hermione	Devised	Lasus stole a fish, gave it to someone else, and then swore that he did not have the fish and did not know anyone else who had stolen it	No	Yes – it was only a sophistic game "for fun"
18	Athenaeus 8.338c	ca. 500 BC	Bystander	Devised (by Lasus)	Under instructions from Lasus the bystander swears that he did not steal the fish and does not know anyone else who possesses it	No	Yes – it was only a sophistic exercise

	Reference	Date	Perpetrator	Devised/ Imposed	Nature of Dodge	Criticised/ Punished?	Morally Justifiable?
19	Plut. *Moralia* 223b	ca. 494 BC	Cleomenes, king of Sparta	Devised	Cleomenes agrees a truce with the Argives for seven days and attacks on the third night on the grounds that nights were not included in the sworn agreement	Yes – the Argives accused him of violating an oath	No – Plutarch attributes his grisly death to his sacrilege
20	Polyaenus 6.53	437/6 BC	Hagnon of Athens	Devised	Hagnon makes a sworn truce for "three days" but takes advantage of the truce to build fortifications each night	Yes – the Thracians accuse him of breaking the sworn truce	Yes – Hagnon's foundation of Amphipolis fulfils an oracle
21	Thuc. 2.5.6	431 BC	Plataeans	Devised	The Plataeans swore that they would restore Theban captives if the Thebans withdrew from their territory, but they slew the captives and returned their corpses	Yes (they even felt the need to deny they had sworn an oath)	No
22	Thuc. 3.52–3	431 BC	Spartans	Devised	The Spartans lured the Plataeans into surrendering to them by stipulating that only the guilty would be punished and not contrary to justice; at the trial justice was defined as service to Sparta	Yes – the Plataeans complain bitterly that the decision is unfair	No – Thucydides judges that the Spartans acted as they did only to please Thebes
23	Thuc. 3.34; Polyaenus 3.2	428/7 BC	Paches	Devised	Paches swore to return the garrison commander Hippias safely, but after doing so gave orders for him to be shot down	No	No

	Reference	Date	Perpetrator	Devised/ Imposed	Nature of Dodge	Criticised/ Punished?	Morally Justifiable?
24	Frontinus, *Stratagems* 4.7.17	428/7 BC	Paches	Devised	Paches swore to allow the enemy to depart safely if they surrendered their "irons", but slew them all on the grounds that they were still wearing their iron fibulae	No	No
25	Aelian, *VH* 10.2; Clement of Alexandria, *Strom.* 3.6.50–1	409/8 BC	Eubotas of Cyrene	Imposed by himself	When bound by an oath to leave with Lais the courtesan, Eubotas (Aristoteles according to Clement) left with an image of Lais rather than the actual girl	No – Aelian adds that Eubotas' wife set up a statue of him for his self-restraint	Arguably – Eubotas is avoiding wronging his wife
26	Polyaenus 2.6, frag. 39	399 BC	Dercylidas the Spartan	Devised	Dercylidas swore to return the tyrant Meidias safely, but when he did so he bullied him into opening the city gates on the grounds that he had sworn to return Meidias safely, not to stop attacking the city.	No	Arguably, given that the victim was a tyrant
27	Polyaenus 2.19	390s BC	Thibron the Spartan	Devised	Thibron swore to return the garrison commander safely, and then led him back into the city and gave orders for him to be killed	No	No
28	Polyaenus 4.2.5	350s BC?	Philip of Macedon	Devised	After agreeing to a sworn truce with the Illyrians for collecting the dead Philip drew up his army and attacked as soon as the dead had been recovered.	No	No

	Reference	Date	Perpetrator	Devised/ Imposed	Nature of Dodge	Criticised/ Punished?	Morally Justifiable?
29	Polyaenus 5.12.2; Plut. *Timoleon* 34	340s BC	Timoleon	Devised	Timoleon swore not to prosecute Mamercus the tyrant of Catana himself, but then handed him over to the Syracusans for them to prosecute him instead	No	Yes – Mamercus is said to have deceived others by broken oaths
30	Paus. 6.18.2–4; Valerius Maximus 7.3. ext. 4	334 BC	Anaximenes	Imposed by Alexander on himself	After Alexander the Great swore that he would do the opposite of what Anaximenes asked, Anaximenes asked Alexander to kill all the inhabitants of Lampsacus in order to save them	No	Yes – he is praised for saving a famous town from ruin
31	Plut. *Alex.* 59; Arrian, *Anab.* 4.27.3; Polyaenus 4.3.20; Diod. 17.84.1–5	327/6 BC	Alexander the Great	Devised	After allowing a host of Indians he was besieging to leave under the protection of a sworn truce Alexander drew up his army and attacked them	Yes – the Indians complained that Alexander had transgressed his oath	No – Plutarch goes so far as to describe this as Alexander's one unkingly act
32	Stobaeus, *Anth.* 3.8.21	Classical period?	Cydias	Devised	Cydias attempted to deny he had received a deposit from Archetimus, and when it was agreed that he would purge himself by an oath he gave Archetimus a hollow cane filled with the money and swore he was returning the deposit.	Yes – Cydias' premature death is ascribed to his false oath being exposed to witnesses	No – Stobaeus emphasises Cydias' guilt.

	Reference	Date	Perpetrator	Devised/ Imposed	Nature of Dodge	Criticised/ Punished?	Morally Justifiable?
33	Aesop, *Fables* (Perry 66; Chambry 246)	Classical period?	Thief	Devised	When a boy stole a piece of meat from a butcher and hid it in another boy's garment, the boy who had taken the meat swore that he didn't have it, and the one who had the meat swore that he didn't take it.	Yes – the butcher observes that they will never deceive the god by whom they have sworn falsely	No – Aesop notes that even if one deceives his fellows by swearing falsely, there is no way the gods will be deceived
34	Plut. *Eumenes* 12; Nepos, *Eumenes* 5; Diod. 18.53.5	319 BC	Eumenes of Cardia	Devised (although after an oath was imposed)	When required to swear an oath of loyalty to Antigonus, Eumenes changed the wording to an oath of loyalty to the joint-kings Philip Arrhidaeus and Alexander IV as well as Antigonus	No – Eumenes' version of the oath was deemed more just by Antigonus' own men	Yes – Antigonus was not the king to whom an oath of loyalty was required.
35	Plut. *Demetrius* 4	Late fourth century BC	Demetrius Poliorcetes	Imposed	When bound by an oath of silence, Demetrius warned his friend Mithridates that Antigonus planned to kill him by writing "fly, Mithridates" in the sand with his spear	No – Plutarch praises Demetrius for his kindness and justice	Yes – Demetrius was preventing an unjust killing

anecdotes",[32] which means that it will be frequently impossible for us to separate historical reality from literary motif. Nonetheless we should still be able to explore the extent to which the Greeks deemed it acceptable to stretch the meaning of an oath to one's advantage, or as Fletcher puts it, just how far the Greeks were willing to go "to outsmart the oath".[33]

10.3 "The art of Autolycus": extremely careful wording to conceal the truth

A.J. Bayliss

Hermes was not the only individual to construct an oath to hide the fact that he was a thief. Others excelled at what Redfield has categorized as "the art of Autolycus" in the light of Homer's claim (*Od.* 19.396) that Autolycus "excelled all men in thievery and in oaths".[34] A prime example is the sixth-century philosopher Lasus of Hermione (#17, #18) who is said to have stolen a fish, and then given it to a bystander. When the fishmonger exacted an oath from him, Lasus swore "that he did not have the fish himself, nor did he know anyone else who had taken it". The oath was technically true because Lasus no longer had the fish himself, and the bystander had not "taken it" but had been given it. Lasus instructed the bystander to swear that "he had not taken it himself, nor did he know anyone else who had the fish". This oath was technically true too, for Lasus had "taken it", but he himself "had it".

Although both of these oaths were true, this sort of sophistry would have been impractical in the real world – all one would have needed to do was exact the correct oath from either Lasus or the man in possession of the fish! Such trickery also seems to have been deemed morally unacceptable outside the philosophical "classroom", for in Aesop's version of the story (#33) when a boy stole a piece of meat from a butcher and hid it in another boy's garment and "swore that he didn't have it, and the one who had the meat swore that he didn't take it", the butcher angrily observes that "even if you manage to deceive me, you will never deceive the god by whom you have sworn falsely", and Aesop notes that "the fable shows that even if we succeed in deceiving our fellows by swearing falsely, there is no way that we can deceive the gods".

32 Wheeler 1984, 255.

33 Fletcher 2012, 31.

34 Redfield 2003, 258. See also Wheeler (1984, 260–2) who argues that Autolycus was regarded as the first man to swear deceptive oaths.

Together these stories probably explain Pausanias' cryptic claim (10.30.2) that "Pandareus was implicated in the theft of Tantalus and the trick of the oath". Presumably Tantalus denied under oath that he had stolen Zeus' golden dog when it was Pandareus who had stolen the dog and deposited it with him. If this is the case, the ruse failed spectacularly, with Zeus burying Tantalus under Sipylus as punishment for his actions (Σ *Od.* 19.518). These ruses also probably explain the Sausage-Seller's claim (Ar. *Knights* 418–24) that when he stole food from the markets "if they suspected a trick, I hid the meat in my crotch and denied the thing by all the gods",[35] although it should be borne in mind that elsewhere (*Knights* 298, 1239) the Sausage-Seller does happily admit to real perjury.

As Torrance has noted above (§7.3.3), even the goddess Hera resorted to such trickery. When Zeus rightly blames Hera for the fact that Poseidon is attacking the Trojans against his wishes, Hera swears (*Iliad* 15.36–46) that it is "not by my will that Poseidon is harming the Trojans … but it is his own passion that urges and drives him". But the reality is that Hera has orchestrated the whole affair by ensuring that Hypnos put Zeus to sleep so that he would not be able to act against Poseidon if Poseidon chose to assist the Greeks. Clearly the veracity of Hera's oath (by Zeus' own head no less!) rests on the fact that she did not explicitly order Hypnos to tell Poseidon that Zeus was out of action so to speak, and that there was thus sufficient wiggle-room in the chain of causation to keep the oath technically true. But the fact that Zeus effectively tests the veracity of her oath by demanding that Hera order Poseidon to cease and desist suggests that he has not been entirely convinced by Hera's careful phrasing. So while Hera gets away with her artful oath, Zeus gets his way without the need to fulfil his threat to beat her for disobeying him.

Where Hera left just enough wiggle-room, Lichas (#2) crossed the line between sidestepping and perjury in Sophocles' *Trachiniae*. Bound by an oath by "great Zeus" to "speak what truth he knew", when Deianeira demanded to know the identity of the principal captive (actually the daughter of King Eurytus), Lichas responded, "A Euboean; of her parents I have no means to say (οὐκ ἔχω λέγειν)". Clearly Lichas was attempting to bamboozle Deianeira into believing that "I have no means to say" meant the same as "I do not know". But the fact that soon afterwards Lichas was denounced by the Messenger (427), and later has his brains dashed out by Zeus' son at Zeus' sanctuary, with "his skull crushed to fragments, and his hair bedaubed with blood and flecked with scattered brains" (779–82), strongly suggests that Zeus did not see his attempt to dodge his oath as acceptable.

35 Zafiropoulos 2001, 114; Bowie 1993, 55.

The vast majority of artful dodges discussed in this chapter were more obviously successful than those of Lasus, Tantalus, Hera, or Lichas. A prime example is the dodge attributed to the mythical Spartan king Soös (#5) who found himself besieged in a rugged waterless spot after defeating the Cleitorians and capturing some of their territory.[36] Starved of options (literally) Soös negotiated a truce whereby the Spartans would surrender the conquered territory to the Cleitorians if he and all his men "would drink" from a nearby spring. The Cleitorians clearly took "would drink" to mean "would *be allowed* to drink" and assumed that the agreement guaranteed the return of their land. But Soös clearly intended that the agreement would be binding if and only if he and all his men drank. In an effort to ensure that the oath could be sidestepped Soös assembled his men and offered to confer the kingship of the area upon the one who refrained from drinking. However, not one of the Spartans possessed the required self-restraint, and they all drank from the spring. Soös went down to the spring after everyone else and merely splashed himself with water, thus ensuring that the terms of the oath were not quite fulfilled. Soös then led his army off, not only retaining control of the formerly Cleitorian land but also his kingship because he had not drunk. Plutarch stresses that Soös ensured that the Cleitorians were there to see his actions and that the Spartans were able to keep the territory "on the plea that all had not drunk". The Cleitorians were deceived because they never imagined that Soös' terms actually included the caveat that if not all his men drank the agreement would be null and void.

Significantly, there is no hint of criticism of Soös in Plutarch's account, not even from the Cleitorians he has deceived. In fact Plutarch stresses that Soös was "held in great admiration" because of his achievements including the trickery perpetrated against the Cleitorians. It seems likely that the fact that Soös' ruse relied on the Cleitorians assuming that he meant more than he said rather than a distortion of the truth made his deceptive oath admirable rather than morally dubious.

36 This story is clearly later invention, with even Soös himself dismissed by Cartledge (1979, 90; 1987, 23) as a fourth-century "spurinym".

10.4 The "Thracian pretence"

A.J. Bayliss

The story of Soös and the Cleitorians fits well with Lateiner's assertion that "oaths can seduce participants to under-negotiate difficult and complex transactions".[37] It is surely significant that Soös' deceptive oath is one of many examples of sidesteppings which occurred in the context of diplomatic exchanges regarding sworn truces, for there is perhaps no more difficult or complex negotiation than a peace treaty or a truce. I have already discussed in S&B §11.1 the tense state of affairs that existed with two armies in the field of battle, and the frequency of these stories (no less than 15 of the 35 instances of sidestepping in this chapter took place in the context of a sworn truce) suggests that the ambiguity generated by hostilities was ideal for deceptive oaths. Perhaps the most notorious deceptive oath employed in truce negotiations is the so-called "Thracian pretence". Ephorus (#5) claims that the Thracians first used this particularly cunning ruse against the Boeotians when they, the Phoenicians, and the Pelasgians were vying for control of Boeotia. After the Thracians and Boeotians agreed a truce and swore oaths that they would not attack each other for a specified number of days, the Thracians attacked the unsuspecting Boeotians at night on the grounds that nights were not included in the oath. From this incident apparently arose the proverb of "Thracian pretence" (Θρᾳκία παρεύρεσις), and the Thracians thereafter had a bad reputation when it came to oaths, with Zenobius (4.32) stating "Thracians do not stand by oaths" (or "Thracians do not understand oaths").[38]

The Thracian pretence is a recurring motif in our sources. The Spartan king Cleomenes allegedly employed it against the Argives in 494 BC (#19), agreeing to an armistice for seven days, but attacking them on the third night when he saw that the Argives were sleeping because of their reliance on his oath. When Cleomenes was later reproached for "the violation of his oath", he denied the charge, arguing that he had not included nights in his sworn statement, only days. Just as the Thracians were criticized by the Boeotians, Cleomenes was heavily

37 Lateiner 2012, 161.

38 Torrance (S&B 311) links this story with Herodotus' information (5.7) that the Thracians only swore oaths by Hermes. If so, it would only be fitting that the Thracians excelled at deceptive oaths. It is also worth pondering whether the fact that one of the reasons for Conon, Bacchius, and Aristocrates being known as "the Triballoi" in their wild youth because of their alleged tendency to commit perjury casually (Dem. 54.39) owes its origins to the deceptive reputation of the Thracians demonstrated here.

criticized for his use of this ruse, and Plutarch implicitly links this incident with Cleomenes' later grisly death.

But the Thracians' dodge was repeated by other generals without criticism. A Spartan named Leucippus (#11) reputedly founded a colony at Callipolis (near the port of Tarentum) after persuading the Tarentines to allow him to encamp there for what was worded as "day and night" (ἡμέραν καὶ νύκτα), but what the Tarentines believed would be the duration of *a* day and *a* night.[39] When Leucippus did not leave after a day and a night, the Tarentines insisted that he should leave.[40] However, Leucippus stated that the sworn agreement stipulated that he could stay while there should be day or night, with the absence of the word *mian* "one" meaning that the agreement was actually forever. When the Tarentines realised they had been tricked they allowed Leucippus and the Spartan colonists to remain. There is no hint of criticism in either source which records this incident.

Ironically enough the Athenian commander Hagnon is said to have employed the "Thracian pretence" against the Thracians (#20) when he founded the Athenian colony of Amphipolis at the Nine Ways on the Strymon river in 437/6 BC. According to Polyaenus (6.53) the Athenians were acting in accordance with an oracle that told them to return the Thracian king Rhesus' bones from Troy to his homeland and to found a city there.[41] When the local Thracians tried to prevent the Athenian colonists from crossing the Strymon, Hagnon kept them at bay by making a truce with them for three days. Each night he led his troops across the river in secret. They buried Rhesus' bones, and built fortifications by the light of the moon. When the Thracians returned after three days and saw the finished wall, they charged Hagnon with breaking his oath. But he replied that he had done nothing wrong, since they had made the truce for three days and not three nights.

There is an air of unreality about these stories. Indeed, it is extremely unlikely that Cleomenes ever made this agreement with the Argives, for Herodotus' earlier account of the battle (6.78–80) makes no mention of an oath and has Cleomenes deceiving the Argives by a different means altogether.[42] The fact that the same

39 Malkin (119 n13) goes so far as to have Leucippus "becoming an Achaean" in this version of the story, but there is no need to read that much into Strabo's thin account.

40 In Strabo's version, when the Tarentines asked Leucippus to leave, he asked them to return at night. When they did so he then told them to return the next day. This process was repeated for several days until the Tarentines realised that they had been deceived.

41 Hagnon's ruse comes after an oracle warned the Athenians that their attempt was "unauthorised by Heaven", but that once they have returned Rhesus' bones "Fate shall render it a glorious deed".

42 The story of Cleomenes using the "Thracian pretence" probably owes its origins to

ruse is used again and again even to the point that the Thracians could be duped by their own "invention" suggests strongly that by the time Polyaenus was writing the Thracian pretence had become a "floating anecdote" which could attach itself to anyone. Why else would the protagonists – especially the Thracians – fail to recognise that the trick was coming?

Nonetheless these stories are useful when it comes to assessing the reaction of the protagonists and the sources. Both Hagnon and Leucippus are said to have survived their dodges with their reputations unscathed whereas Cleomenes and the Thracians (when they are the perpetrators rather than the victims) are criticized for their deceptive oaths. As I have argued elsewhere, the difference may well be that both Hagnon and Leucippus were fulfilling oracles, and therefore their actions could be seen as endorsed by the gods.[43] It may also be important that whereas Cleomenes and the Thracians use the ruse to attack their enemies, Leucippus and Hagnon (like Soös) use the ruse for self-defence. It is also surely significant that they were duping outsiders, which is something that the Greeks seemed to do with pride. According to Dougherty, "these accounts justify Greek claim to new territory not in physical or military terms but as a result of their mental prowess".[44] Although the Leucippus story (as Dougherty is quick to point out) is a case of Greek outwitting Greek, it is very much cut from the same cloth as the "Greeks outwitting dopey locals" literary motif.[45] The fact that Hagnon was using the "Thracian pretence" against the Thracians surely leaves the impression

Cleomenes' reputation for sacrilege. Not only did he bribe priests at Delphi (Hdt. 6.66), he also later tried to convince the Arcadians to break their oaths of loyalty to Sparta and swear an oath of loyalty to him personally, invoking the Styx (Hdt. 6.74). Given that only gods swear by the Styx (see §7.3.1), Cleomenes is clearly out of line here. The fact that Cleomenes later went mad drinking neat wine and hacked himself to pieces with a knife suggests that he was perhaps not an ideal moral compass for us!

43 Bayliss 2009, 248.

44 Dougherty 1993, 53.

45 The same theme is present in the Greek versions of the foundation myth of Carthage. Appian (*Pun.* 1.1) describes how Dido from Tyre tricked the local inhabitants of North Africa into allowing her to found Carthage. The local inhabitants initially tried to repel the Tyrians, but when they asked only for as much land as an ox-hide would encompass, they were ashamed to deny them such a small favour. Appian states that the locals could not understand how a town could be built in so narrow a space, and wishing to unravel the subtlety, agreed to give it up, and confirmed their promise with an oath. The Phoenicians then cut the hide into a very thin thread, and enclosed the place where the citadel of Carthage would stand. This story is hinted at by Virgil (*Aen.* 1.367–8), and Servius in his commentary on Virgil explains that Dido exploited the ambiguity of the term *tenere* which could mean either "to cover", but also "to circumscribe" or "to encompass". Cf. Dougherty 1993, 59 n40.

of the non-Greek Thracians being remarkably foolish, if not asking for trouble when they agreed to the oath.

10.5 Capturing the commander

A.J. Bayliss

Whereas Soös is said to have employed a trick to escape a siege, other commanders devised alternative means of attacking their enemies after making truces. A well-known ruse involved luring the enemy leader out to a parley and then attacking while he was occupied (cf. Polyaenus 7.27, 4.2–4). Unlike Soös' trick this particular ruse did not depend upon oaths. But another common tactic appears to have been to capture the enemy commander during a parley by lulling him into a false sense of security by means of an oath that was designed to be sidestepped.

The earliest and most historically reliable example of this tactic comes from Thucydides of all authors. Thucydides (3.34) notes that when the Athenians were besieging the city of Notium during the Peloponnesian War the Athenian general Paches (#23) summoned Hippias (the commander of the Arcadian mercenaries stationed at Notium) to a conference on condition that if his proposals were unsatisfactory he would restore Hippias "safe and sound" (σῶν καὶ ὑγιᾶ) to the fortress. When Hippias came out Paches kept him under guard, but unfettered (therefore also undamaged),[46] and made a sudden and unexpected attack on the fortress. Paches then took Hippias back into the fortress, "just as he had agreed to do", and as soon as he was inside, seized him, and shot him down.[47] Paches then put to death all the Arcadians and "barbarians" in the city and handed it over to the Colophonians.

Thucydides adds no further details, and makes no comment on the rights and wrongs of Paches' behaviour, which is remarkable given that the episode belies Pericles' claim (Thuc. 2.39) in the funeral oration that it is the Peloponnesians, not the Athenians, who deploy "devices and deceits".[48] Thucydides' silence is all the more remarkable when one considers that Thucydides' contemporary audience would have known that not long after his sidestepped oath Paches committed suicide in the courtroom when he failed to persuade the Athenians at home

46 Lendon (2010, 185–6) argues that Paches was "fulfilling the exact terms of the promise" and stresses that he did not use chains because they would have chafed Hippias.

47 This story is repeated virtually word for word by Polyaenus (3.2).

48 Hesk 2000, 99.

that his conduct while in office was entirely above board (Plut. *Nic.* 6; *Arist.* 26).[49] Paches' notoriety was such that as late as the 390s an Aristophanic character is appalled by the thought that Paches' son, Epicurus, might call him "daddy" (Ar. *Eccl.* 644–5). It is tempting to think that this episode, which ended with the summary execution of his opponents, may have helped bring about Paches' downfall. Although our only other evidence suggests that Paches was charged with raping two Mytilenian women whose husbands he had caused to be killed (*Anth.Pal.* 7.614), this charge may have been merely one of many brought against Paches.[50]

The Spartan commander Dercylidas (#26) is alleged to have used a similar stratagem to defeat Meidias the tyrant of Scepsis in Asia Minor, thus turning Euripides' claim (*Bellerophon* fr. 286.7) that "tyrants break oaths to sack cities" on its head! According to Polyaenus (fr. 39) Dercylidas swore that if Meidias the tyrant of Scepsis came out for a conference he would send him back to the city quickly. When Meidias emerged, Dercylidas ordered him to open the gates and threatened to kill him if he did not. As soon as Meidias opened the gates, Dercylidas announced, "Now I release you to the city, for I swore this, and I am coming in with my force, for I did not swear about doing this". Polyaenus records an extremely similar stratagem employed by Dercylidas' contemporary Thibron (#27), but this time provides considerably less detail. In both cases our hopes of assessing the relative morality of the device are again thwarted by a lack of detail from our only source. This is almost certainly because Polyaenus was not interested in the morality of the acts, but rather their utility for Lucius Verus' war against the Parthians.[51]

But we do have one more example with which to work. The manner in which Dercylidas explains his trick to his audience by indicating exactly what he did not swear – the very information that Meidias assumed his sworn statement had included, namely that he would not enter the city by force – echoes (or is echoed in) the accounts of Alexander the Great's deception (#31) of a group of Indian mercenaries in 327 BC. Our earliest source – Diodorus (17.84.1–5) – indicates that Alexander allowed the mercenaries to depart the city under a sworn truce, but then followed them and attacked them out of "implacable hatred". When the Indians kept shouting out that the attack was in violation of the sworn treaty Alexander shouted back that "he had granted them the right to leave the city, but not that of being friends of the Macedonians forever". Polyaenus (4.3.20) tells a slightly dif-

49 For another possible reference see Ar. *Wasps* 522–3.

50 Tuplin 1982, 328 nn16, 17.

51 For a recent discussion of Polyaenus' motives see Wheeler 2010.

ferent story, but again Alexander revels in revealing his trick to the enemy. In Polyaenus' version, when the Indians shout reminders of the sworn treaty, Alexander retorts that "he agreed that they could leave the city, but had not promised that they could go where they pleased". Whereas Paches, Dercylidas, and Thibron are not explicitly criticized by their victims,[52] Alexander is explicitly criticized for his deception. Diodorus stresses that when the Indians realised what was happening they kept shouting that the attack was in contravention of the truce, and called upon the gods to witness that Alexander was violating his oath. The Indians in Polyaenus' account likewise shout reminders about the treaty. Plutarch (*Alex*. 59) merely states that Alexander made a truce with the Indians and later massacred them. Plutarch does not give voice to the Indians, but chooses to criticize Alexander himself, noting that "this act adheres to his military career like a stain (*kēlis*); in all other instances he waged war according to custom, and like a king".

On first glance it would appear that Alexander has crossed a line by employing this dodge in this fashion. But if we were tempted to see this as clear criticism of the tactic we need to bear in mind that neither Diodorus nor Polyaenus criticizes Alexander as Plutarch does. In their accounts it is only his victims who criticize Alexander. Moreover, Arrian (*Anab*. 4.27.3) provides an alternative version of the story where Alexander is the innocent party. In Arrian's version Alexander agrees to a truce which stipulates that the Indians will join his army. When Alexander learns that the Indians intend to violate this treaty he slaughters them. While it is tempting to see Arrian as whitewashing Alexander, it is entirely possible that his account reflects the original version of events as described by Ptolemy and Aristobulus, and that Diodorus and Polyaenus reflect a later reworking of the events.[53] As I have argued elsewhere,[54] it was common for classical-period deceptions not involving oaths to be rewritten by later sources to involve an oath. Cleomenes' alleged use of the Thracian pretence in 494 is a case in point. So too is Dercylidas' capture of Scepsis from Meidias. The eyewitness account provided by Xenophon (*Hell*. 3.1.20–8) does not mention a side-stepped oath, although it does describe deception and clever word-play. According to Xenophon, Dercylidas gained access to Scepsis by promising Meidias "full justice", but later deprived him of Scepsis by proving that the city actually belonged to the Spartans. After

52 Nonetheless Lendon (2010, 185–6) is at pains to point out that Paches chose a particularly "nasty and slow way to die".

53 Modern scholars (e.g. Bosworth 2010, 40) typically prefer Arrian on this matter. Baynham (2012, 28) argues that if the Indians had indeed broken their oath Alexander was in his rights to do so, but if they had not, what he did was a massacre. Tarn played it both ways, arguing that it was either an "abominable quibble" or a "horrible mistake" due to translation problems.

54 Bayliss 2009.

Meidias admitted that the city had previously belonged to his mother-in-law Mania, and that she had been a subject of the Persian Pharnabazus, Dercylidas argued that given that Pharnabazus was his enemy, Scepsis ought now to belong to the Spartans, not Meidias. Given that the stories of Cleomenes and Dercylidas were reworked to include sneaky oaths, it is entirely possible – if not likely – that Alexander slaughtered the Indians because they violated a sworn agreement and that later tradition reinvented this as deliberately deceptive swearing by Alexander. The fact that his father Philip engaged in similar practices (#28) might have influenced later sources.

10.6 Other careful or dubious interpretation of wording: agreements that end sieges

A.J. Bayliss

While it is unclear whether Alexander used a carefully phrased oath to massacre large numbers of the enemy, we can be certain that other Greeks did just that. Perhaps the most notorious example of this type of dodgy interpretation of wording is the so-called "Plataean perjury" (#21). According to Thucydides (2.5) the Plataeans negotiated an agreement with the besieging Theban army whereby if the Thebans withdrew from their territory without doing further harm they would return 180 prisoners to them, but then slew their captives and returned their corpses. Obviously the Thebans assumed that the Plataeans would return their men alive, but the agreement did not make this clear. The Plataeans later tried to claim that they did not swear an oath (perhaps relying on the difference between an oath and a mere promise), but the Thebans clearly felt otherwise.

Hornblower makes much of the fact that the Thebans later (3.66) mention only a "promise" by the Plataeans rather than an oath. This would seem to undermine the Thebans' own case. But we should bear in mind the fact that the Thebans also use the term "agreement", which perhaps suggests that Thucydides is putting only general terms for describing the agreement into the mouths of the Thebans. Hornblower also concentrates on the fact that the Plataeans steer clear of the issue, arguing that this should not be taken as an admission of guilt. Rather, he claims, "one would cut a poor figure if one was reduced to saying, 'Yes, we promised but it was not a binding promise because we did not swear an oath'. Much better to do what the Plataians actually do and stick to generalities".[55] But

55 Hornblower 1991, 242–3.

although it would have appeared as if the Plataeans were following the letter rather than the spirit of the law, the Plataeans could have done just that had they promised rather than sworn.

West argues that "[m]orally the Plataeans were in a very weak position whether or not their undertaking was confirmed by an oath".[56] But the Plataeans were on even weaker ground in trying to use this technique against allies of the Spartans. The Spartans were the masters *par excellence* of the deceptive oath, and would ultimately bring down the Plataeans by a similarly dubious oath (#22). According to Thucydides the Spartans lured the Plataeans into surrendering to them by swearing that "only the guilty would be punished and not contrary to justice". But once the Plataeans had surrendered they found to their horror that the Spartans chose to define guilt and justice as whether or not they had rendered service to the Spartans and their allies during the current war.[57] The way the Plataeans were caught out by the sidestepping of an oath after (allegedly) sidestepping an oath themselves is reminiscent of the manner in which the Thracians are said to have been caught out by Hagnon when he employed their own notorious stratagem against them. But this time we are not dealing with a floating anecdote: our source is reliable and the massacre of the Plataeans was all too real. Although the Spartans would later regret the decision to sack Plataea (Thuc. 7.18), it was not because of the ethics of this oath, but rather because they decided that the pre-existing oaths of the Thirty Years' Peace might have been violated.

10.7 Substitution

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The majority of cases we have discussed thus far involved exploiting words that were implied but left unspoken. But another common ruse involved metonymic interpretation of the terms that were spoken. For example when the Olympic athlete Eubotas of Cyrene (#25) was bound by an oath to marry the courtesan Lais and return home with her, he had an image of her made and left with that instead of the actual girl. Aelian makes it clear that he did so "in order not to appear to be breaking his agreement", and even has Eubotas state that "he was bringing her and not breaking his agreement". There is an additional pun in that Eubotas'

56 S.R. West 2003, 438.
57 Hornblower (1991, 447) calls this "shocking".

claim that he would "bring" (*agein*) Lais could mean "to marry" as well as "to lead".

Eubotas is not the only Greek to have employed this ruse of substitution. Paches, who has already been mentioned for another exploit, is said to have sworn that the enemy would be spared if they put aside their "iron" (#24). His enemies naturally assumed that this meant their weapons, but when they had complied with these terms by surrendering their weapons, Paches ordered them all to be killed anyway since they still had iron fibulae on their cloaks. But we have to bear in mind that this account was written by Frontinus many centuries after the fact as part of a collection of "sundry ruses and devices" (*de variis consiliis*). Thucydides makes no mention of such an act by Paches, so it should therefore be seen as a later invention, as with Dercylidas and Cleomenes.

The Chians took the ruse of substitution one step further when they surrendered to the Erythraeans (#13). According to Plutarch (*Mor.* 244f-245b), after terms were agreed whereby the Chians would evacuate the city carrying "only one cloak, one himation, and nothing else", their wives found a way for them to sidestep their oaths. They ordered their husbands to keep their weapons and to inform the Erythraeans that the spear serves as a cloak and the shield as a tunic to men of spirit. The men took their advice, and the Erythraeans were so frightened by their act of boldness (*tolma*) that they allowed the Chians to depart unmolested. The only way for this ruse to work would be for the Chians to be naked apart from their shields and spears, which perhaps helps to explain why the Erythraeans were so stricken by the "boldness" of the Chians![58]

Ergias of Rhodes (## 9, 10) reports that a group of Phoenicians led by a certain Phalanthus who were being besieged in the citadel in Ialysus by the Greeks led by Iphiclus agreed to withdraw under a truce, whereby the Phoenicians swore to take with them only "whatsoever they carried in the belly", and the Rhodians swore "to supply boats for their departure". When Iphiclus agreed to these terms, Phalanthus tried to deceive Iphiclus by slaughtering and disembowelling sacrificial victims and filling their bellies with gold and silver. Iphiclus learned of the "trick" (*epitekhnēsis*) and attempted to stop him, but Phalanthus cited the terms of the oath he had sworn, which were that they were permitted "to remove whatever they had in the belly", a fact which Iphiclus could not dispute.

58 When considering the reaction of the Erythraeans, it is worth bearing in mind Plutarch's claim (*Ages.* 34) that when the Spartan youth Isadas fought stark naked (without clothing or armour) against the Thebans those who fought against him thought that he must have been superhuman.

In a passage that is positively Herodotean,[59] Stobaeus (#32) records an anecdote whereby another thief – a certain Cydias – attempted to do what Glaucus failed to do when he denied having received a deposit from his friend Archetimus under oath. When it was agreed that Cydias would purge himself by an oath he gave Archetimus a hollow cane filled with the money and swore he was returning the deposit. Presumably the cane was meant to indicate that Cydias owed Archetimus nothing, or that the cane was all that was left of the money. Clearly Cydias was hoping that Archetimus would return the cane so that he could keep the money, or else the ruse would be pointless. But the angry Archetimus smashed the cane on the ground and Cydias' deception was revealed. Cydias died almost immediately, and Stobaeus stresses that his premature death was ascribed to his false oath being exposed to witnesses.

But perhaps the most striking case of substitution comes from a charter myth about the foundation of the colony of Locri Epizephyrii related by Polybius and Polyaenus (#12).[60] According to both authors the Locrians made a sworn agreement with the Sicels that they would be friends and share the country "as long as they trod on this earth and wore heads on their shoulders". This was clearly intended to imply forever. But when the Locrians were taking this oath, they put some soil into the soles of their shoes, and some heads of garlic on their shoulders. In this state they took their oath, but subsequently emptied their shoes of the soil, and threw away the heads of garlic. When the occasion presented itself, they expelled the unsuspecting Sicels from the country. Although the spirit of the agreement was violated, the formal clauses were not.[61]

These stories are particularly useful when it comes to evaluating the ethics of sidestepping oaths. For whereas the Chians were praised for their boldness and Eubotas was praised by his wife for his fidelity to her,[62] the reputation of the Italian Locrians took a battering because of their sidestepped oath, with the saying "Locrian agreements" (Λοκροὶ τὰς συνθήκας) becoming proverbial for

59 The passage so resembles Herodotus that at least one nineteenth-century commentator (Lector 1839, 749) ascribed it to Herodotus. This error probably comes from the fact that the 1791 commentary on Herodotus by the Rev. W. Beloe (*Herodotus, translated from the Greek*) and *Larcher's Notes on Herodotus* (1829) discussed the Stobaeus passage when treating Hdt. 6.86.

60 Although this story is clearly a charter myth, Graham (1982, 172) notes that the native cemeteries die out at about the time the colony of Locri Epizephyrii was founded in the early seventh century.

61 Domínguez 2007, 419.

62 According to Aelian (*VH* 10.2) Eubotas' wife set up an enormous statue of him in Cyrene in recognition of his fidelity.

bad faith.[63] Indeed, the Locrians' reputation was so tarnished that Polybius was at pains to explain to his audience that these dodgy Locrians were the Locrians of Italy, not those of central Greece. Once again, it might be the case that the intent of the sidesteppers is the crux. For where the Locrians set out to deceive the Sicels, Eubotas and the Chians were merely making the best of a bad situation. Indeed, the Chians did intend to keep their oaths as they were worded. Even when they were denounced as cowards for planning to lay down their arms they piously informed their wives that they had sworn an oath which they could not break. The Locrians had no such scruples.

The fate of Phalanthus and the Phoenicians is also illustrative. Although it seemed that the Phoenicians were likely to get away with their artful sidestepping of their oaths, Iphiclus devised a trick of his own (#10), giving the Phoenicians boats without oars or rudders, arguing that they had sworn to provide boats and nothing else. Although it is tempting to see both parties as equally successful in their attempts to deceive each other with oaths, Ergias states that the Phoenicians were "at a loss" (ἐν ἀπορίᾳ) and compelled to leave much of their money behind for Iphiclus to collect. It is also worth bearing in mind that the Phoenicians were driven to surrender their position in the first place by the fact that Iphiclus had artfully fulfilled an oracle to the effect that "they would control the place until ravens turned white and fish appeared in their mixing bowls". The Phoenicians had hitherto believed that this would never happen, but Iphiclus managed to introduce small fish into the mixing bowl from which Phalanthus' wine was served by way of one of Phalanthus' aides, and released ravens smeared with gypsum into the skies. These sights convinced Phalanthus that "the place was no longer theirs". The message seems to be that the Phoenicians were asking for trouble by trying to trick the Greeks, and the Greeks made them pay a heavy price. For not only had the Phoenicians decided they had no right to keep possession of Rhodes, they had already been deceived by the wily Greeks whom they were trying to deceive themselves! Any attempt to deceive Iphiclus was surely bound to end badly – at least as far as the Greeks were concerned.

63 Domínguez 2007, 419. Redfield (2003, 258) argues that "the story represents the Locrians as natively duplicitous, manipulators of the literal".

10.8 False foundations

A.J. Bayliss

The Persian general Amasis took the Locrian ruse which relied on the wording "as long as they trod on this earth" a step further against the Barcaeans (#16). According to Herodotus (4.201) when Amasis led an expedition against the Lydian city of Barca he realized he could not take the city by force, but might be able to by guile. Amasis dug a wide trench, laid frail planks across it, and then covered it with a layer of earth. Amasis then invited the Barcaeans to meet with him on the hidden trench. A truce was agreed, with both two parties giving and accepting a sworn assurance that their treaty would be valid "while the ground where they stood was unchanged". Just as the Sicels had interpreted "as long as they trod on this earth" to mean permanence (or at least throughout the lifetime of the swearers) the Barcaeans believed their agreement with Amasis to be unshakable. "Trusting the oath" they opened their gates and came out of the city, and allowed all their enemies who wished to enter within the walls. Amasis immediately ordered the destruction of the hidden bridge and captured the city. Clearly the ruse works because of "the seeming impossibility of the ground under their feet ever vanishing".[64] But by setting things up carefully Amasis made the impossible possible!

We have already seen that intentional manipulation of oaths typically draws criticism from ancient commentators. But this is not the case with Amasis. Although modern scholars seem united in their condemnation of Amasis' ruse,[65] Herodotus (4.201) makes it clear that this was not a false oath, explicitly stating that the Persians destroyed the bridge "in order to abide by the oath sworn with the Barcaeans".[66] The difference between Amasis' deliberate manipulation of the oath-exchange and that of the Locrians may be that Amasis can be seen to be righting a wrong by his actions. The purpose of his campaign was to punish the citizens of Barca for the slaying of King Arcesilaus of Cyrene and King Alazir

64 Hollmann 2005, 286. Lateiner (2012, 163) argues that the Barcaeans were "depending on a geographical stability lodged in a formula of impossibility".

65 Dewald (1993, 60) and Immerwahr (1966, 243 n17) see his device as treachery; Hollmann (2005, 302) calls it a "false oath"; for Goodchild (1970, 11) it is "an ignoble ruse". Gera (1997, 174) argues that the Persians use this "trickery" (*dolos*) to "break their oath", which seems to be missing the point altogether. Chamoux (1953, 152) is less critical, calling the tactic a "trick". Applebaum (1979, 26) seems alone in not mentioning the oath exchange or Amasis, merely commenting that "Barka was besieged and taken by the Persian general Aryandes".

66 Polyaenus (7.34) stresses that "the ground, on which the two sides stood when they made the treaty, no longer existed".

of Barca. Indeed, the Barcaeans actually doom themselves by arguing that they were collectively responsible for the murders when asked to hand over those responsible for the death of Arcesilaus.

We should also bear in mind that the oath-exchange is not the only example of trickery in this passage. The Barcaeans have already shown their ingenuity in discovering mines that the Persians were digging under their walls (a smith carries a shield around the inner side of the walls and smites it against the ground of the city – when he finds hollow ground the shield rings out), digging countermines, and slaying the engineers (Hdt. 4.200; Aen. Tact. 37.6–7).[67] Thus, the implied message might be that the Barcaeans have already engaged in trickery and are therefore asking for trouble when entering into a treaty with Amasis.

The danger to the Barcaeans is particularly apparent when one considers that they are engaging in games with the Persians on dry land. Greek mastery of the sea and Persian mastery of the land is a recurrent theme in Herodotus' *Histories* and wider Greek literature.[68] Herodotus' narrative demonstrates that the city of Cyrene and by extension the colony at Barca exist only because of the Theran fisherman Themison's inherent mastery of the sea which allowed him to sidestep an oath to Etearchus. According to Herodotus (4.154) the Cretan ruler Etearchus tricked Themison and bound him under oath to do whatever he wished, and then asked Themison to throw his daughter into the sea (*katapontōsai*, literally "submerge in the sea"). Themison did indeed throw the girl into the sea "in order that he might fulfil the oath he had sworn", but cunningly tied a rope around the girl and immediately hauled her out of the water again. The girl Phronime will later become the mother of Battus the founder of Cyrene, and the Cyrenaeans will set up a colony at Barca. All this was made possible by Themison's manipulation of the sea. But Barca ultimately falls because the Greeks placed too much confidence in their understanding of the Persians' natural element, the land. Although the Barcaeans are known as horsemen and famed for their chariots, their confrontation with Amasis ends with the Persians proving themselves the true masters of land warfare. Overall the saga suggests that the Greeks ought not to stray too far from their own domain, that of the sea.

67 Intriguingly, Aeneas Tacticus (§39) also discusses the use of covered trenches by the besieged as a means of fooling the besiegers. It would be deliciously ironic if the Barcaeans were undone partly by their own attempts to deceive the Persians.

68 See for example Hdt. 1.27. Hirsch (1986, 226) discusses "the recurrence of the land/sea motif" in the writings of Herodotus and his contemporaries, and later (p. 229) argues that Herodotus "seems to regard mastery at sea as being part of the Greek *nomos*, while the *nomos* of the Persians confines them to the land".

Gera argues that the Persians are punished for their trickery with the failure of the subsequent expedition against Cyrene (4.203).[69] But this is not in keeping with how Herodotus portrays the events. According to Herdotus:

1. After capturing Barca the Persians hand the guilty over to Pheretime who mutilates them and impales them on the city walls.
2. The Persians then appear before Cyrene and the Cyrenaeans admit the Persians into their city on the pretext of fulfilling an oracle on the matter.
3. Badres (the commander of the fleet) recommends capturing the city
4. Amasis (land commander) refuses on the grounds that the sole objective of their mission was Barca.[70]
5. After passing through Cyrene "they" (it is not stated who) are sorry that they had not taken Cyrene, and try (unsuccessfully) to enter the city a second time.
6. The Persian soldiers withdraw in panic and set up camp nearby.
7. Aryandes (the supreme commander) recalls these soldiers, and the whole army withdraws into Egypt.
8. Pheretime dies having been afflicted by worms as punishment from the gods "so that mankind might see that violent vengeance earns the gods' grudges".

Significantly, Herodotus does not seize the opportunity to blame Amasis for the failure to capture Cyrene.[71] Instead, Amasis is cast in a positive light. He refuses to attack Cyrene despite the good opportunity, because it would not be right to do so. These are hardly the actions of a man meant to be seen as a shameless perjurer! It is Pheretime who incurs the displeasure of Herodotus and the gods for her dreadful treatment of the Barcaean captives.[72] Significantly, later tradition had that it was Pheretime and not Amasis who deceived the Barcaeans (*Suda* ε1006).[73] Unlike the reworking of the tales of Cleomenes and Dercylidas which introduced an oath where none had been, the later reworking of the Barcaean story changes the identity of the deceptive swearer, perhaps because of Pheretime's alleged polluted death.

69 Gera 1997, 174.

70 Amasis states that "he had been sent against Barca, only against Barca, of all the Greek cities".

71 Although Hollmann (2005, 302) casts Amasis' oath as false he notes that Herodotus does not link the failure of the overall campaign to the oath.

72 Chamoux (1953, 152) has Pheretime display "eastern cruelty" before being struck down.

73 Gera 1997, 174.

10.9 Dodging the "blank-cheque" oath

A.J. Bayliss

The vast majority of the techniques discussed thus far were oaths which were devised to trip up the unwary. But one final technique involves turning an unfair or deceptive "blank-cheque" oath against the instigator. As the name suggests the blank-cheque oath requires swearers to bind themselves to carry out as yet unspecified acts.[74] Swearers of blank-cheque oaths took an immense risk. The potential dangers can be seen in the fact that when the Persian queen Atossa swore to give the Greek doctor Democedes "whatever he asked" in return for secret medical treatment (Hdt. 3.154), Democedes felt the need to offer Atossa assurances that he would ask for nothing shameful (literally nothing which she could blush to hear). The dangers became a hideous reality for Xerxes when he swore to give his mistress Artaynte "whatever she desired" (Hdt. 9.109). Xerxes could not have foreseen that the foolish girl would demand a magnificent cloak Xerxes was wearing which happened to have been made by his wife Amestris. Despite offering the girl alternatives (gold, cities, command of an army!), she insisted on the cloak. The result was disastrous, with Amestris wreaking a horrible vengeance on Artaynte's mother.[75]

But there were greater dangers than mere happenstance. Braund has argued that "blind entry into reciprocity gives power to the other party which may subvert ethical norms".[76] This is precisely what the Spartan king Ariston did (#14) when he duped his friend Agetus into swearing an oath to give him an item "from what he had" and then demanded Agetus' exceptionally beautiful wife. According to

74 For the Nottingham Database and in S&B (321) we used term "the blank-cheque oath". Fletcher (2012, 31) calls this the "blind" oath. Hollman (2005, 287) opts for "the device of the open-ended oath". Harrison (2000, 109 n24) prefers the term "rash promises".

75 For more on this blank-cheque oath see S&B 314–15. Such oaths typically end in disaster for the swearer – as the story of Hippolytus' downfall due to his blind oath of silence to Phaedra's nurse demonstrates – which means that they make a powerful literary motif. Ovid uses this to great effect in his *Metamorphoses* where Jupiter's oath to Semele to grant her an unspecified gift (3.273ff) and Phoebus' oath to Phaethon to grant him an unspecified favour (2.31ff) both end with the death of the swearee because the oath must be kept despite the fact that the swearer knows that it will not end well. Not every swearer of a blank-cheque oath was as lucky as Antigonus Gonatas (Ael. *VH* 9.26). When he drunkenly swore to do what Zeno of Citium asked, the philosopher merely asked the king to go to sleep. A less scrupulous man would have gained much from the situation.

76 Braund (1988, 171) argues that "Atossa took a huge risk committing herself blindly to reciprocity".

Herodotus (6.62), Ariston set out to entrap Agetus because he was tortured by a passionate longing for Agetus' wife, the most beautiful woman in Sparta. Ariston promised to give to Agetus whatever single item Agetus might choose out of all that was his and he bade Agetus to make him the same promise. Agetus (foolishly) had no fear about his wife, seeing that Ariston was already married, so he agreed and they exchanged oaths (greater than a mere promise) on these terms. Ariston gave Agetus whatever he chose out of all his "treasures", and then, seeking equal recompense from him, demanded his wife. Agetus says that he had agreed to anything but that, "but he is forced by his oath and the trick by which he has been deceived, and suffers Ariston to take her". The message is clear – Agetus would dearly love to weasel out of the agreement, but he cannot break his oath.

But where Agetus failed to see a way out of his bind the Theran trader Themison (#8) fared better when the Cretan ruler Etearchus tricked him into swearing an oath to do whatever he wished, and then asked Themison to throw his daughter Phronime into the sea. Like Agetus Themison is trapped by an oath that binds him to do something he would never have imagined he would have to do when he swore his oath. But – as noted above – unlike Agetus the angry Themison found a way out of his oath. By tying a rope around the girl and hauling her straight back out Themison was able to keep his conscience clear by allowing Phronime to live, yet also escape the terrible consequences of breaking an oath.

The two situations were remarkably similar. When Ariston raised the idea of taking whatever he desired from Agetus' property, Agetus assumed that his friend would not ask for anything he would not happily surrender. But Ariston did not explicitly say so. Likewise when Etearchus asked Themison to swear to do whatever he asked after making him his friend, Themison naturally assumed that Etearchus would not ask him to do anything unpalatable. But again Etearchus did not explicitly say so. The devious behaviour of both Ariston and Etearchus is clear to see in that Herodotus describes their deceit as a "device" (*mēkhanē*), and the fact that both Agetus and Themison become "angry" and complain that they have been deceived by "the trick of the oath" (τῆι ἀπάτηι τοῦ ὅρκου). But whereas Agetus found himself bound by his blind oath, Themison was able to sidestep his sworn obligation, literally "freeing himself from the burden of the oath" (ἀποσιεύμενος τὴν ἐξόρκωσιν τοῦ Ἐτεάρχου). Themison's ability to evade the oath shows that the danger of the blank-cheque oath is double-edged. Although (like Agetus) Themison is imperilled by accepting the request to make a blank-cheque oath, Etearchus is equally in danger of being tricked himself once he has

commenced the process.[77] As Lateiner argues, "tricksters too are tricked, deservedly hoisted by their own petards".[78]

Herodotus' unambiguous appraisal of Themison's actions is reflected in the judgements of most modern scholars.[79] But none seem particularly sorry for Agetus. To an extent one could argue that Agetus was asking for trouble. He is explicitly stated to be a *hetairos* of Ariston,[80] and in the light of that one wonders why he would have required an oath from his king and friend in the first place. But Themison was the unfortunate victim of a guest-friend (*xenos*) who demanded an oath of him. While Herodotus does not explicitly praise Themison for his actions, he could hardly make his disapproval of the plotting against Phronime clearer: Herodotus calls Etearchus' wife "a real stepmother",[81] who devised "all evil" against Phronime,[82] and accuses Etearchus of "devising an unrighteous deed against his daughter" because he was "overpersuaded". There is a certain folktale feel to the story,[83] and it may be that there is a hidden message in the names of the protagonists: Themison = "The Man who does what is Right", Phronime = "Sensible Woman", and her eventual lover Polymnestus, the father of Battus, is "the man who woos too much".[84] Intriguingly, given that his actions are so questionable, Etearchus' name means "true ruler".[85] Elsewhere Pindar (*Pyth.* 5.77–93) calls Battus "Aristoteles", which could be translated as "one who brings things to the best of conclusions",[86] which would fit well with this folktale. But that good conclusion is relatively short-lived. Like the "saga" of Spartan oaths which was

77 Hollmann (2005, 287) sees Themison as responding to Etearchus' "manipulation" of the oath procedure with a "counter-manipulation, fulfilling the literal terms of the oath...if not Etearchus' intention".

78 Lateiner 2012, 164.

79 Lateiner (2012, 164) notes that Themison remains as his name implies a good man, and "by a sophistical *pied de la lettre* compliance evades a greater wrong". Ogden (2008, 21) states that Themison "kept to his oath". P.A. Watson (1995, 230) argues that Themison "fulfils his obligation". Osborne (1996, 11) sees Themison as having "evaded his oath" to drown Phronime. T. Harrison (2000, 109 n24) argues that "the narrative is shaped around Themison's ingenious fulfilment of the oath".

80 Scott (2005, 258) interprets his status as an *hetairos* as greater than a *philos*, and speculates that Agetus was "perhaps a hunting-companion [of Ariston] or periodically invited to eat with him".

81 Ogden (2008, 21) compares Phronime and the as yet unconceived Battus to Danae and Perseus, whereas Watson (1995, 230) includes Phronime's stepmother prominently in her catalogue "the murderous stepmother".

82 Hollmann (2005, 287) notes that Etearchus' wife is "all-scheming".

83 Lateiner 2012, 163.

84 Osborne 1996, 12.

85 Osborne (1996, 12) suggests "just king", whereas Lateiner (2012, 163) opts for "early ruler".

86 Osborne 1996, 12.

kicked off by Ariston's blank-cheque oath (Ariston will go on to deny his son's paternity under oath, and by so doing doom his son to being deposed by a process that will involve Leotychidas accusing Demaratus under oath), and has been well noted by modern scholars,[87] Themison's sidestepping of his oath is part of a saga of stories about the colony of Cyrene which ends with the fall of Barca by way of a similarly sidestepped oath. Perhaps both stories demonstrate that in the long run it is difficult to prosper if you dabble in oath-related trickery.

Just as Themison's sidestepping of his oath secures the future Battiad dynasty, Demetrius Poliorcetes' (#35) sidestepping of his blank-cheque oath mentioned above has positive results. Plutarch explicitly states that Demetrius' actions allowed Mithridates to make "himself master of a large and fair territory, and founded the line of Pontic kings, which, in the eighth generation, was brought to an end by the Romans". Had Demetrius not found the wherewithal to sidestep his oath to his father, none of this would have come to pass. The parallel between the two cases is even stronger when we consider that just as Themison's sidestepping of his oath allowed the Battiads to rule in Cyrene for eight generations, Mithridates' descendants would rule for eight generations as a result of Demetrius' sidestepping of his oath. Again, the ends appear to have justified the means. But once again, the good that comes from the sidestepping does not last forever.

10.10 What does this evidence tell us about Greek attitudes to sidestepped oaths?

A.J. Bayliss

The examples discussed in this chapter confirm Lateiner's claim that "oaths are good to deceive with".[88] But clearly some of these dodges were considered more acceptable than others. Thus, on the one hand Themison's sidestepping of his blank cheque to avoid an unjust killing oath clearly impressed Herodotus, while

87 Boedeker (1987, 194) noted that Ariston's oath sparked off a chain of events that disrupt the Eurypontid royal house and bring about the overthrow of his son as a result of another oath. Scott (2005, 62) claims, "In view of Ariston's earlier exchange of oaths with Agetos ... it is a nice touch to make him swear an oath which he will shortly be able to withdraw". Lateiner (2012, 164) links the story of Glaucus as told by Leotychidas to the story of Demaratus' conception and argues that these "otherwise admirable Dorians" all "live under a cloud of dubious oaths". Elsewhere (2012, 168) Lateiner refers to "Spartan oath narratives". Fletcher (2012, 31) discusses how oaths "both generated structure and story" with regard to the tale of Demaratus' conception and ultimate deposition.

88 Lateiner 2012, 162.

Soös, Demetrius Poliorcetes, and Anaximenes (#30) were explicitly praised for their dodges. But on the other hand Lichas and Cydias were struck down by the gods for attempting to sidestep oaths, and the Locrian and Thracian sidestepping of oaths led to the abusive terms "Locrian faith" and "Thracian pretence".

So what conclusions can we draw? Table 1 records whether the sidesteppers were criticized or punished for their actions, and whether or not their sidestepping could be seen to be justifiable. A superficial analysis of the data reveals that only 11 of the 34 sidesteppers (32%) are explicitly criticized for dodging their oaths, and only 6 (18%) are explicitly or implicitly punished for their actions. With two-thirds of the cases going without criticism and unpunished, it is tempting to reach the conclusion that the sidestepping of oaths was more often than not seen to be legitimate by the Greeks.

But a closer examination of the evidence suggests that Greek attitudes were much more nuanced. Of the 18 examples that could be seen as obviously immoral ("No" in the rightmost column), 12 (two-thirds) are definitely or arguably criticized or punished, and most of the remainder are narrated only by writers on stratagems (Polyaenus or Frontinus) who do not normally comment on the acceptability of the practice. In each of these "immoral" dodges the oath was devised by the dodger himself/herself, which perhaps enhances the immorality of the act. Of the dodges which are criticized or punished only one (#20) could be regarded as morally justifiable, and even then the criticism comes from the victims rather than the source. By the same token not one of the dodgers who had an oath imposed on him is criticized.

This pattern is even stronger when we look only at examples cited from archaic and classical sources rather than from Hellenistic, Roman, and Byzantine sources. Out of these 14 examples only four (#1, 8, 10 and 16) could be seen as justifiable, and not one of these is criticized or punished. Of the other nine, all but one (#23) definitely attract criticism or punishment (#2, 4, 5, 21, 22, 33) or arguably do so (#3, 9, 14). It is thus very nearly the case that in archaic and classical Greece, a sidestepper could expect to be criticized or punished if, and only if, his dodge was clearly immoral. Furthermore, the exception – Paches – might not actually be an exception, for as we have already noted Paches committed suicide in open court on being convicted of misconduct in office.

Another means of assessing Greek attitudes to the sidestepping of oaths is to put the practice in an international context. Wheeler argues that the sampling "yields that Greeks are three times as likely as Romans or barbarians (60% versus 20%) to perpetrate sophistic interpretations".[89] But given that our sources are

89 Wheeler 1984, 263.

almost entirely Greek, a more accurate way of putting it would be that according to largely Greek sources the Greeks were more than three times as likely as non-Greeks to engage in such deception. Where the Greeks really do stand out is in their response to such dodges after the fact. For while non-Greeks are more than capable of sidestepping oaths in the heat of the moment – Amasis' success against the Barcaeans is a case in point – they were not necessarily as accepting as the Greeks were after the fact. The majority of evidence we have for the sidestepping of oaths by non-Greeks comes from Roman sources, and that evidence strongly suggests that the Romans did not normally consider such practices acceptable.[90] Indeed, Cicero (*de Off.* 1.33) argues that such "dexterity" (*sollertia*) is to be avoided at all times. The Roman aversion to sidestepping oaths extended even to when they were correcting a wrong like Amasis, or had been placed in an impossible situation like Themison. A prime example of this is the *post eventum* reaction to the Roman decision to award land disputed by the Aricians and Ardeates to themselves after swearing "to award it to those whom they should find it belonged". Livy (3.71–2) condemns their decision as "shameful" and deems their victory "sullied"; whereas the Greek writer Dionysius of Halicarnassus (*Ant. Rom.* 11.52) defends the Romans by pointing out that the Romans were aggrieved at being forced to arbitrate over lands they felt were their own.

But perhaps the best illustration of Roman views is the general praise of Regulus for his stubborn fulfilment of an oath to return to his Carthaginian captors if he failed to negotiate an exchange of prisoners, and the corresponding condemnation of the Roman prisoners of war who tried to sidestep a similar sworn obligation to return to Hannibal after the Battle of Cannae. Cicero (*de Off.* 1.39, 3.99–115), Livy (*Per.* 18), and Horace (*Carm.* 3.5) all praise Regulus for keeping his oath, and Cicero even has Regulus argue in the Senate against the proposed exchange of prisoners that would allow his release. By contrast Cicero (*de Off.* 1.40; 3.113), Livy (22.58–61), and Aulus Gellius (*NA* 6.18) condemn the Roman prisoner who, not following Regulus' (mythical) example,[91] tried to sidestep an oath to return to Hannibal's camp if he failed to convince the Roman Senate to agree to ransom Carthaginian prisoners. Although the soldier could claim that by returning briefly to Hannibal's camp on the pretext that he had forgotten something he

90 Roman interest in preventing such sharp practice has been discussed. Cf. Wheeler 1984, 254–5; Lammert, *RE* Suppl. 6 (1935) 1356.

91 Of course the fact that there is nothing about Regulus' oath in Polybius' much more contemporary account of the events to back up Cicero's claims suggests a later reinvention to prove Roman rectitude. Indeed, Cicero cites the story of the Carthaginian prisoners after his first mention of Regulus in the *de Officiis*.

was released from the obligation of his oath, the Censors nonetheless condemned him for perjury and sent him back to Hannibal in chains. Cicero's judgement is that "deceit does not remove the guilt of perjury – it merely aggravates it. His cunning that impudently tried to masquerade as prudence was, therefore, only folly". By contrast the Greek writer Polybius (6.58) was not particularly critical of the perpetrator stating merely that he was acting "under the belief that by means of this return he had kept his promise and discharged his oath". Polybius is struck not by the immorality of the perpetrator, but rather by the hyper-morality of the Romans which meant that Hannibal no longer rejoiced at his victory in the battle, but was instead astonished "at the unshaken firmness and lofty spirit displayed in the resolutions of these senators". Clearly the Romans could not tolerate or condone a practice that the Greeks could see as acceptable under the right circumstances. For the Roman writers it is the unbending Regulus, not the artful Autolycus, who serves as a role model.

10.11 Conclusions

A.J. Bayliss

This chapter has discussed a host of examples where the Greek sidestepped their sworn obligations, either by design or by happenstance. These examples amply demonstrate, as Lateiner puts it, that "oaths are good to deceive with".[92] This chapter has also explored what types of behaviour the Greeks considered to be acceptable and unacceptable when it came to the sidestepping of oaths. When this evidence is considered we can draw four clear conclusions:

1. While Greek authors are consistent in their portrayal of the oath as a binding contract that must be fulfilled in good faith, regardless of whether doing so will benefit the parties involved, they also tend to show that the intended outcome of the oath can be legitimately sidestepped – not by perjury or by breaking the oath – but by fulfilling the terms of the oath to one's own advantage. As Scott puts it, "the gods punished perjury, but not being clever".[93]
2. Sidestepping was not merely a passive act, when one was caught out by a disadvantageous oath. There is considerable evidence in classical Greek literature to suggest that the Greeks were adept at framing oath-exchanges to their own advantage, and were to an extent proud of that skill. As Torrance argued,

92 Lateiner 2012, 162.
93 Scott 2005, 319.

"avoiding perjury was important for the Greeks, but tricking a swearee with duplicitous language was entirely fair play".[94]

3. This practice was deemed acceptable when the sidestepper was acting with divine sanction, e.g. Leucippus (#11), avoiding a serious injustice, e.g. Themison (#8), or righting a wrong, e.g. Amasis (#16).
4. But when the sidestepper was clearly in the wrong, e.g Lichas (#2) or the Locrians (#12), he/she was more than likely to be criticized for dodging the oath.

To conclude it is worth discussing one final example, an alleged exchange between Alexander the Great and the philosopher Anaximenes of Lampsacus (#30). When Alexander threatened to attack the people of Lampsacus and saw Anaximenes approaching to try to dissuade him, Alexander swore by all the gods that he would do the opposite of what Anaximenes asked. Clearly this open oath was intended to stymie Anaximenes, but the wily philosopher then politely asked Alexander to enslave the women and children of Lampsacus, to raze the city to the ground and burn the sanctuaries of their gods. Pausanias makes it clear that Alexander "unwillingly" pardoned the Lampsacenes because he failed to find a way "to counter" (*antimēkhanēsasthai*) what he calls the "trick" (*sophisma*) and was therefore bound "by the compulsion of his oath". While all the exempla discussed in this chapter are "artful", I cannot help but feel that the successful dodgers of the blank-cheque oaths like Themison, Demetrius Poliorcetes and Anaximenes are the best of the "artful dodgers" or "sidesteppers". Having found themselves bound by a seemingly unbreakable oath they find a way out which not only safeguards them against divine retribution but also leads to a greater good. That the Greek sources praised their actions is entirely understandable. That the Greeks could also praise the likes of Soös, Dercylidas, and Leucippus for their carefully crafted dodges which defied "reasonable expectations"[95] makes them not only truly remarkable, but also a joy to study.

94 S&B 310.
95 Lateiner 2012, 161.

11 The binding power of oaths

11.1 Were oaths always totally binding?

A.H. Sommerstein

An oath (at least a formal oath; for informal oaths, see §13.2) was normally considered, in principle, to be absolutely binding. The story of Glaucus the Spartan (Hdt. 6.86; see §10.2) shows how grave a view could be taken of a man who even so much as contemplated the breach of an oath. It is true that King Leotychidas is presented as telling this story to the Athenians, not in order to dissuade them from committing perjury – for they had not been swearing, or offering to swear, to anything – but to induce them to return to him some Aeginetan hostages, whom he and his late royal colleague Cleomenes had seized from Aegina and entrusted to the Athenians for safe keeping (as the Milesians in his story had entrusted their money to Glaucus). The Athenians had not even denied that the hostages belonged to Sparta; they merely said that they had received them from both the Spartan kings and did not think it right to return them to only one. If the other Spartan king, Leonidas, had been a child, or had been in exile, we might have seen this as a transparent evasion, but neither of these was the case; rather, Leotychidas was trying to bluster the Athenians into complying with his will by putting a quite illegitimate spin on the story so as to suggest that one risked divine retribution if one so much as contemplated (not breaking an oath, but) *refusing to return a deposit* under any circumstances whatever. The very fact, however, that the story is somewhat beside the point in its context shows that it reflects a view that was widespread in Herodotus' time.

The same conclusion may be drawn from the delicacy that was shown in the framing of the oath of loyalty to democracy that was prescribed by the decree of Demophantus after democracy was restored at Athens in 410 BC (Andocides 1.96–8;[1] see S&B 130–1). Before and during the oligarchy of the Four Hundred, a year earlier, various anti-democratic conspiracies (see S&B ch. 6) had been hatched at Athens and elsewhere, and many of these had been cemented by oaths – or at least no one, other than the conspirators themselves, could be sure that they had not been. What could be done about groups that might have sworn to each other – as, according to Aristotle, oligarchs in some states still did in his

1 On the authenticity of this decree, denied by Canevaro & Harris 2012, see now Sommerstein 2014.

time[2] – "I will bear ill-will to the *demos* and do it any harm I can"? In the end, to the oath that was imposed on all Athenian citizens, committing them to put to death anyone who in the future established, or took part in, any regime but a democratic one, and to reward and honour anyone who killed such a traitor to democracy or died in an attempt to do so, there was added a further clause:

> And all oaths that have been sworn, at Athens or in the camp or anywhere else, in opposition to the Athenian people, I dissolve and release.

This clause may seem at first sight to subvert quite radically the principle of the binding force of oaths. It does nothing of the kind. It speaks very carefully not, as one might expect, of "oaths that *I have sworn*", but of "oaths that *have been sworn*";[3] and the verb "release" (*aphiēmi*) was widely used in legal contexts to refer to an act whereby "a real or potential plaintiff [gave] up what would otherwise be his right, e.g. to collect what [was] owed to him or to prosecute someone who [had] committed an offence against him".[4] The citizen, in other words, was not being required to renege on his own oaths previously sworn; he was being required to "[give] up what would otherwise be his right" to have *others* remain true to the anti-democratic oaths which they had previously pledged to *him*. If all participants in a sworn conspiracy were to give up that right, the oaths of the conspiracy would automatically melt away.[5]

The Demophantus oath shows, as one would expect, that a sworn pledge could at any time be modified, or even abrogated, by the consent of those for

2 Arist. *Pol.* 1310a7–10.

3 This is, according to *TLG*, the only occurrence of the third-person plural verb ὀμώμονται "(they) have been sworn" in any ancient Greek literary text (or document quoted therein) whatsoever. Nor does it occur in any inscription in the PHI epigraphic database (http://epigraphy.packhum.org/inscriptions/main; accessed 30 January 2014).

4 Carey & Reid 1985, 117.

5 This ingenious device had, however, a loophole: what if some of the participants in a conspiracy were not Athenian citizens, and so did not take the Demophantus oath? Those who did take the Demophantus oath would then not have been released from their earlier pledges, and so would find themselves bound by two contradictory oaths, one democratic and one anti-democratic. At Athens this loophole may well have been only theoretical, but "in the camp" – in other words, at Samos, where the fleet was based – it would have been of the greatest importance, since in 411 Athenian and Samian oligarchs had been working closely together (Thuc. 8.63.3–4, 8.73). The most likely explanation is that a similar oath of release had already been taken at Samos after the restoration of democracy there (cf. Thuc. 8.73.6). It should be added that an oath of reconciliation taken at Dicaea between 365 and 359 (see Voutiras & Sismanides 2007 and S&B 141–3) *does* include a repudiation by the swearer of any previous oaths he had sworn to the contrary.

whose benefit it was made; provision for such modification was often explicitly made in sworn treaties,[6] but it must always have been implicit in any case. It also shows that its drafter thought an oath could not be abrogated without such consent, not even an oath to commit what the swearer afterwards came to regard as a crime deserving instant death.

A remarkable story from the mid fourth century shows us a military commander going so far as to launch an attack against men on his own side, with fatal consequences, and risk the anger of the most powerful men in his world, rather than break an oath he had given to the enemy. The central figure of this story (D.S. 16.49.1–6) is Lacrates, a Theban who in 350/49 was commanding the Boeotian division of the mixed Greek forces assisting Artaxerxes III of Persia in his attempt to reconquer Egypt, whose rebellious king – Nectanebos II, the last of all the pharaohs – also had many Greeks in his service. Lacrates was besieging Pelusium, at the eastern extremity of the Nile delta, and the city was being valiantly defended by Nectanebos' Greek troops until they learned that their king and his Egyptian forces had withdrawn to Memphis, more than a hundred miles upstream. They then sent envoys to negotiate with Lacrates, who gave them a sworn pledge that if they surrendered Pelusium to him they would all be conveyed back to Greece with whatever they could carry with them. On this they surrendered the fortress, and Artaxerxes sent his trusted minister and general, Bagoas, with non-Greek troops, to take it over. At the gates of Pelusium these troops met the departing Greeks and began to plunder their effects; the Greeks "called loudly on the gods who had witnessed the oaths", and Lacrates at once attacked Bagoas' men, put them to flight and killed several of them. Bagoas fled to Artaxerxes and made an accusation against Lacrates; but the King's judgement was that Bagoas' men had got their just deserts,[7] and he himself condemned to death those who had been guilty of the robbery.

6 As in the Peace of Nicias in 421 (Thuc. 5.18.11) and the subsequent Athenian-Spartan alliance (Thuc. 5.23.6); see Kozak in S&B §10.5. The enabling clause in the latter read: "If it seems good to the Lacedaemonians and the Athenians to add or to take away anything regarding the alliance, then whatever seems good to them shall be no breach of oath for either." In the peace treaty it ran: "If either party has forgotten something, on any point, about anything, it will not be a breach of oath for both parties to change whatever seems best to both parties, after just consultation, to the Athenians and to the Lacedaemonians." This clause in fact caused trouble later on, since Sparta's allies complained that it gave Sparta, in agreement with Athens, the right to amend the treaty without consulting them (Thuc. 5.29.2–3); Sparta could have responded, had she wished, that the time to make such complaints was before the treaty had been concluded and sworn to, not after.

7 This implies, or ought to imply, that the men were aware of the terms of the agreement made

Could it ever be right to deliberately break an oath?[8] The issue receives a theoretical discussion in the sophistic work known as the *Dissoi Logoi* (3.6–7) from the late fifth or early fourth century, in the course of an argument designed to show that there are extreme circumstances in which the most sacred duties can come into conflict and that it may be right (e.g.) to rob a temple if its treasures are needed to fund the defence of Greece against barbarian invaders, or to break and enter a public building if, during a period of civil strife, one's father is confined there by a hostile faction and under sentence of death. On the topic of perjury, the author considers the following case:

> If someone has been captured by the enemy in war, and promises on oath that if released he will betray his city, would he be doing right to keep his oath? For my part, I think not; he should rather save his city, his friends and the sanctuaries of his fathers by breaking it.

One might reasonably see this as a very artificially devised problem, not least because such a ploy could be used only once – if it became known that prisoners of war were taking oaths of this kind with no intention of keeping them, their captors would at once cease giving them the opportunity. It is not surprising that we know of no such instance in real life. And it is striking that the ingenious author of the *Dissoi Logoi* cannot think of any more plausible scenario. He presents a whole series of other examples in which conduct which would normally be thought criminal or impious could reasonably be regarded as entirely justifiable; two of these are mentioned above, and all the others are credible situations in which a contemporary might well have agreed with the author's verdict.[9] Only in the case of perjury is he forced to imagine a situation which one cannot seriously envisage arising in reality. And except in one type of case which will be discussed presently, no text from the archaic or classical period tells us of any instance in which a person plainly violated a formal oath and got away with it.[10]

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with Lacrates. Artaxerxes and Bagoas will certainly have known of these terms; Bagoas will doubtless have assured the King that he had ordered his men not to molest the Greeks departing from Pelusium – but whether he actually did so order is perhaps another matter.

8 Torrance in §12.1.2 discusses two passages in which Euripidean characters seem to say that oaths taken under duress are not binding, but rightly regards them as suspect evidence.

9 Some of them are echoed in Pl. *Rep.* 331c–d and especially in Xen. *Mem.* 4.2.12–19. To enslave the entire population of a captured city (*Dissoi Logoi* 3.5) would not, one hopes, be regarded as justifiable by anyone today, but our author clearly expects that his readers, at least in certain circumstances, would see nothing wrong with it; it was what "the Corinthians and Thebans especially, but also many of the other Greeks" wanted to do to Athens in 404 (the Spartans vetoed the proposal: Andoc. 3.21; Xen. *Hell.* 2.2.19–20).

10 Unless one counts the Sausage-seller in Aristophanes' *Knights* (296–8, 417–28, 1239); but for

The only situation in which a Greek *could* realistically conceive of an oath not being binding would be if the god in whose name the oath was taken were to be overruled by a more powerful god. This possibility is raised twice in *The Eumenides*, the third play of Aeschylus' *Oresteia* trilogy of 458 BC, in which oaths are a major theme (see §2.1) – both times by Apollo. After Apollo has helped Orestes to escape from the Erinyes and make for Athens where he will stand trial, the Erinyes angrily accuse him of aiding a matricide, and an argument develops during which he asks them why they are not equally indignant about the murder of a husband (like Agamemnon) by his wife. They reply (*Eum.* 212) that Clytaemestra was not blood-kin to her victim; to which Apollo rejoins (213–18):

> Truly you have held in utter contempt the pledges of Hera Teleia [Hera as goddess of marriage] and of Zeus, and treated them as being of no account; and Cypris [Aphrodite] too is cast aside in dishonour by this argument, she from whom come the closest, dearest ties that mortals have. The bed of a man and a woman, when hallowed by destiny, is something mightier than an oath, and Justice stands sentinel over it.

The reference to oaths comes as something of a surprise, since nothing had been said about them in the argument up to this point. Possibly we are meant to think back to a scene in the previous play, *The Libation Bearers* (977–9), when Orestes, standing over the slain corpses of Clytaemestra and her lover Aegisthus, said sarcastically that they had been true to their mutual oath to kill Agamemnon and to die together. That was an oath to violate the sanctity of marriage, and as such, Apollo seems to be saying, it was sworn in defiance of Zeus, Hera and Aphrodite and should be regarded as null and void.

To reach this conclusion, however, takes quite a bit of recollection and ratiocination, and many spectators may merely be somewhat puzzled by the idea that *anything* could be "mightier than an oath". They will probably be something more than puzzled when Apollo brings the same idea up again, about four hundred lines later. Orestes is being tried at Athens by a tribunal whose members, like all Athenian judges, have sworn to give a just decision (*Eum.* 483, 489), and Apollo, acting as his witness and advocate, states unequivocally (*Eum.* 614–21) that in killing his mother Orestes had acted with justice, because he was obeying a command by Apollo which, like all Apollo's oracular utterances, had been given on the instructions of Zeus.

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one thing it is crucial to that play that so great a villain as Cleon can only be overthrown by a yet greater villain, and for another thing the only act of perjury by the Sausage-seller which is described in detail (417–28) may actually be a case of "sidestepping" (see §10.3).

> I tell you solemnly [he continues] to understand well how strong is this plea of justification, and I tell you to follow the counsel of the Father; for an oath can in no way be stronger than Zeus.

This time there can be little doubt which oath Apollo is referring to. Since he is advising Orestes' judges on how they should vote, the only relevant oath is the oath which they have taken as judges. We have not been told the terms of this oath, nor by which gods it was sworn, but Athena's words later in the trial (674–5) about their voting "in accordance with their honest opinion" suggest that we are to think of the ordinary oath of the Athenian juryman, which included a clause to this effect (see S&B §5.4).[11] Apollo, then, is saying what no real speaker would ever dare to say in the Athenian courts: he is saying that the judges should ignore their judicial oath.[12] He can say this, he claims, because the will of Zeus overrides any oath – and that makes theological sense: Zeus, as the supreme god, will be able to prevent any other deity from punishing a breach of oath of which he, Zeus, approves, and will presumably wish himself to punish anyone *keeping* an oath that runs contrary to his will.

But is the will of Zeus really what Apollo says it is? Apollo is not the only child of Zeus who is involved in the dispute over Orestes' actions, and who is on stage at this moment. As he himself points out (662–6), Athena is also a child of Zeus, and indeed more fully a child of Zeus than Apollo is, for she had no mother (cf. 736–8). She gives a preliminary hint of her position by alluding at 674–5, as we have seen, to the phrasing of the Athenian judicial oath. Then she delivers a speech announcing the establishment of the Council of the Areopagus, praising its justice, its incorruptibility, and its role in ensuring the political stability of Athens, and decrying any innovations in its laws;[13] and at the end, turning to its founder members, she says:

> Now you must rise, deliver your votes, and decide the case, *respecting your oath*. I have said my say (708–10).

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11 And was sworn by Zeus and Apollo (together with Demeter)!

12 He therefore cannot say at 679–80, as many editors make him do, that the jurors should "respect their oaths" when they vote; rather, these words must be spoken by the chorus of Erinyes (or by their leader on their behalf) and Apollo given lines 676–7 which make no reference to the oath.

13 This section – by far the greater part – of Athena's speech is explicitly addressed to "my citizens for the future" and is obviously relevant to the politics of Aeschylus' own day; whether it is designed to promote a particular political stance (and if so, which) is a controversial question that need not be gone into here (see Sommerstein 1989, 216–18).

A very plain rap over the knuckles for Apollo, and that even though Athena herself accepts (797) that his oracle did come from Zeus, and even though she will in the end herself vote for Orestes' acquittal (734–41). The daughter of Zeus is in effect telling the judges – and the Athenian audience too – that the will of Zeus does *not* override an oath, that, on the contrary, it is the will of Zeus that oaths shall always be kept (it is not for nothing that one of Zeus's titles is *Horkios*, the oath-god). And presumably we are meant to suppose that they do take her words to heart, as any good citizen would. As they vote, Apollo and the Erinyes wrangle inconclusively; and when the result is declared, it is a tie[14] – which, by a ruling Athena has previously given, means that Orestes wins. In considering Athena's subsequent successful efforts to conciliate the Erinyes, now more furious than ever at having been, as they see it, cheated and denied justice by the "younger gods", it is worth remembering that but for Athena's refusal to let Apollo use the name of Zeus to overawe and browbeat the judges, but for her insistence that they must respect their oath, the prosecution might well not have got a single vote. The Erinyes[15] may, and do, resent the fact that because of Athena they lost the case despite receiving half the votes; but it was also because of Athena that they received as many as half the votes in the first place.

11.2 The oaths of lovers

A.H. Sommerstein

There is just one category of oaths that were traditionally regarded as *not* binding, as Pausanias is made to explain in Plato's *Symposium* (183b). He is describing the extraordinary licence given by Athenian custom to lovers (that is, adult male admirers of handsome boys or youths), who are permitted and indeed encouraged to do many things which in any other social context would bring disgrace on them and to be "willing to undergo a degree of servitude that no slave would tolerate". In particular,

> the most extraordinary thing of all – or so most people say – is that if he swears an oath, he alone will be forgiven by the gods if he transgresses it, for they say that a lover's oath is no oath: such total licence have both gods and men allowed to the lover.

14 It is, again, a controversial question, and again one that does not need to be discussed here, whether this equality of votes is exclusive or inclusive of Athena's own vote; see Sommerstein 1989, 222–6.

15 Who had been midwives to the oath-god Horkos (Hesiod, *Works and Days* 803–4) and in whose name oaths were taken in homicide and other trials held on the Areopagus (see S&B §5.14).

The same theme appears in the speech that Socrates extemporizes in Plato's *Phaedrus* (237b-241d) purporting to prove that a boy would be better advised to grant his favours to a man who was not in love with him than to one who was. He considers (240e-241c) what happens to a lover who has successfully courted his beloved, "making promises with many oaths and beseechings", and who then, his passion fading, "becomes a different person", refuses to make any return for the favours he has received or to fulfil his earlier oaths and promises, and leaves his former beloved "indignantly appealing to the gods", not realizing that he would have been far better off giving himself to a man governed by reason rather than passion. It is not actually stated that the boy's indignant appeals to the gods go unanswered, but it would vastly weaken the argument of the speech if it were assumed that the ungrateful lover could expect divine punishment.[16]

Despite what might be gathered from Pausanias' speech, the principle that "a lover's oath is no oath" was by no means a purely Athenian one. As early as the *Catalogue of Women* ascribed to Hesiod (and probably in fact composed in the sixth century) it had been dignified with a mythical aetiology (Hes. fr. 124): when Zeus raped or seduced Io, who was a priestess of Hera, and was caught by Hera,[17] he swiftly turned Io into a white cow and then swore that he had not had intercourse with her;[18] "and because of this he made oaths free of penalty (?) for men when they were concerned with the secret doings of Cypris".

Quite apart from this mythical warrant for the principle, one can perceive a further theological rationale for this immunity from punishment granted to "lovers' oaths". Notoriously, the gods themselves were vulnerable to sexual desire, or, otherwise put, "inferior to Eros" (or Aphrodite) (Hes. *Thg.* 120–2; Soph. *Trach.* 441–3, *Ant.* 787; Eur. *Tro.* 948–50; Ar. *Clouds* 1080–1), and they would not be able to punish mortals for obeying the will of a deity to whose power they themselves were subject.

But even the exemption of the lover's oath should perhaps be regarded as more of a humorous catch-phrase than a genuine social fact. It makes only one appearance in archaic or classical literature outside the passages already cited, in a line of comedy (Philonides fr. 7) in which someone, doubtless a jilted woman, says "I think the oaths of adulterers are written in ash" – which, be it noted, is

16 Cf. also Pl. *Phil.* 65c.

17 Presumably not in the act (which he could otherwise scarcely have denied) but in compromising circumstances very shortly afterwards.

18 It is not clear whether this sworn assertion is to be taken as a direct lie or as a "sidestep" (Zeus swearing that he had not had intercourse *with the cow*): the aetiology implies the former alternative, but the latter would make the transformation more clearly relevant in this context.

a parody of a line of Sophocles (fr. 811) about the oaths of *women*.[19] It would be very convenient for Jason in Euripides' *Medea* to excuse by this principle his breaking of the oaths he swore to Medea, but he never does: her repeated accusations of perjury he simply ignores. And when the young man Moschion, as he tells us in Menander's *Samia* (50–3), visited the mother of the girl he had made pregnant and swore that he would marry her as soon as her father returned from abroad, it clearly did not occur either to him or to his future mother-in-law – and one may well doubt if it would have occurred to any member of the theatre audience – that his oath was actually worthless. In practice, even in matters of love, an oath was an oath was an oath.

11.3 The tongue and the mind: responses to Euripides, *Hippolytus* 612

I.C. Torrance

The absolutely binding power of an oath is well illustrated by the case of Euripides' Hippolytus in the eponymous play. The angry statement he makes at *Hipp.* 612 – "It was my tongue that swore, but my mind is unsworn" – is uttered when his stepmother Phaedra's nurse reminds him that he has been bound by an oath of secrecy which he should not break (611). The line, which seems to have gained immediate and unique notoriety, as discussed below, is spoken after Hippolytus has been told of Phaedra's desire for him. Furious, he threatens to reveal the outrageous secret in public, and momentarily contemplates breaking his oath with his statement at 612. He soon reveals, however, just forty-five lines later, that his reverence for the gods will make him refrain from breaking the oath which he took in their name (657). When Theseus returns, Hippolytus again wonders whether he should unseal his lips (1060) in frustration at Theseus' refusal to believe him, but decides that it would have no purpose since he would at once violate his oath and fail to convince Theseus (1061–3). Hippolytus' piety in relation to oaths is even confirmed by Artemis in the *exodos* where she praises Hippolytus not only for rejecting the Nurse's proposal, but also for keeping his oath of silence even in the face of Theseus' slanderous accusations (1306–9). Having

19 There may be another instance in a fragmentary erotic poem by Bacchylides (fr. 19) where a man who has "fled to his dear wife in nothing but his *chiton*" may or may not be described (presumably by his mistress) as *[ep]iorkos*.

been duped into swearing a blind oath, Hippolytus is prevented from revealing the truth that would exonerate him.

It is likely that the oath of silence sworn by Hippolytus, and his subsequent expression of frustration at being trapped by it, were inventions of Euripides.[20] As Barrett observes, the implication at *Hipp.* 612 that Hippolytus might break his oath, however briefly this suggestion is made, is "essential to the play" since it leads Phaedra to believe that Hippolytus "will ignore the oath; and it is in that belief (689–92) that she plots his destruction".[21] The crucial component to that plot is the suicide letter in which Phaedra accuses Hippolytus of having raped her.[22] *Hipp*. 612 is thus central to the development of the tragedy, and although Hippolytus does not break his oath, the fact that he *considers* doing so seems to contribute to his fate. Judith Fletcher observes that a second oath of silence in this play is also part of the orchestration of Hippolytus' downfall, namely the oath of the chorus to keep Phaedra's desire for Hippolytus secret (713–14),[23] and oaths of silence seem to be important in Phaedra's Cretan background. A fragment of Bacchylides (fr. 26.8) includes a reference to Phaedra's mother Pasiphae telling Daedalus of her illness (i.e. her lust for the bull) and making him swear an oath, presumably one of secrecy.

Hippolytus does not break his oath of secrecy, but as we saw above in the case of Glaucus the Spartan the mere contemplation of perjury could be enough to condemn his progeny to the perjurer's punishment of extinction (§10.2). Hippolytus' fate might also be read, in part at least, as a result of his momentary temptation to perjure himself. Tragic characters often come to their doom through a complex web of causation involving both human and divine agency. In Aeschylus' *Agamemnon*, for example, Agamemnon's death can be read as the result of his involvement with Greek impieties against the gods at Troy, but it is also caused by his own decisions, and of course by Clytaemestra's revenge on him for murdering their daughter.[24] Similarly, in Sophocles' *Oedipus the King*, the fate of Oedipus is a result of his own actions, but these seem to be guided by divine forces.[25] Hippoly-

20 It is likely that an oath of secrecy featured also in Euripides' lost first *Hippolytus* play; see Barrett 1964, 11, and Talboy & Sommerstein 2006, 259–60 with n.31.

21 Barrett 1964 *ad* 612.

22 On the importance of the suicide letter see esp. Segal 1992 and Torrance 2013, 146–52.

23 Fletcher 2012, 191–2.

24 On Agamemnon's decision-making see Lloyd-Jones 1962, Hammond 1965, Peradotto 1969, Dover 1973, Edwards 1977, Konishi 1989; on the importance of Zeus in Aeschylus see Lloyd-Jones 1956; on the extent of Clytaemestra's responsibility for the murder of Agamemnon see O'Daly 1985.

25 On the role of the gods in Sophocles' *Oedipus the King*, see Segal 1995, 180–98 and cf. Segal

tus' destruction in Euripides' extant play also comes about through a combination of human and divine agency. Hippolytus is impious in his rejection of Aphrodite who plans his downfall, but Phaedra, her Nurse, the chorus, Theseus, Poseidon, and Hippolytus himself, all play a part in events. Segal argued that the manner of Hippolytus' destruction is connected not only to Theseus' invocation of Poseidon's curse upon Hippolytus but also to the fulfilment of the self-curse included in Hippolytus' oath to Theseus in which he protests his innocence (*Hipp.* 1025–31).[26] Hippolytus invokes Zeus Horkios and the Earth and states that he never touched his father's marriage-bed nor could even have conceived of doing so. Unusually for an oath, as Segal observes, the potential curse for perjury is expressed in very specific terms, namely that he should perish without honour, nameless, and that neither the sea nor the earth should receive his flesh when he is dead if he has been a base man.[27] Segal suggests that since Hippolytus is destroyed at a point where the land is hidden, "he is in a sense 'received' by 'neither sea nor land', and the hypothetical self-curse (oath of innocence) and ostensible punishment (proof of guilt) are fused."[28] Only the intervention of Artemis can bring closure for Hippolytus. She is the one who describes him as being in the gloom "under the earth" (*Hipp.* 1416) and who predicts posthumous honours for him (1423–30). She is also the one who praises him for keeping his oaths (1305–9), but she passes over in silence the potential loophole for perjury proposed by Hippolytus at 612, and it is clear, as Segal has demonstrated, that oath and curse are inextricably intertwined in this play.

The fact that a mere contemplation of breaking one's oath could be viewed as equivalent to perjury is supported by the various appropriations of *Hippolytus* 612 in Aristophanes and in Plato, since each adaptation carefully avoids replicating the situation in *Hippolytus*. Aristophanes parodies *Hipp.* 612 three times in his extant plays, each time at the expense of the character Euripides. In *Women at the Thesmophoria*, the Inlaw has agreed to dress up as a woman and attend the women-only festival of the Thesmophoria on Euripides' behalf. But he gets Euripides to promise to rescue him if anything goes wrong. Euripides first of all swears an oath "by the Aether, the dwelling-place of Zeus" (*Thesm.* 272), but the Inlaw feels that this is not a serious enough invocation and Euripides then swears

1981, 248: "Oedipus' tragedy...asks whether human life is trapped in a pattern of its or own others' making."

26 Segal 1972.

27 Segal 1972, 169–70 shows that in a small number of comparable cases "the situation is unusually dramatic" (169).

28 Segal 1972, 170.

"by all the gods, the whole lot!" (274).[29] The Inlaw then asks him to remember that his mind has sworn, and not his tongue (275–6: ἡ φρὴν ὤμοσεν, ἡ γλῶττα δ' οὐκ ὀμώμοκ'). The parody of *Hipp.* 612 is clearly designed to prevent Euripides' character from wriggling out of his oath by using the line "my mind is unsworn" but the line is never used by Euripides who later in the play perseveres and succeeds in rescuing the Inlaw, despite two failed attempts. This humorous reversal of the original line takes stock of Hippolytus' implication that there is a distinction between an oath of the mind and an oath of the tongue, where the former would be more binding than the latter.[30] Of course, as the events of Euripides' *Hippolytus* demonstrate, any such distinction is illusory and the use of the line from *Hippolytus* against the character of Euripides is exploited for purely comic purposes.[31]

In *Frogs*, *Hipp.* 612 is parodied twice. The first reference comes at the beginning of the play when Dionysus expresses his intention to find a really potent poet and bring him back to Athens from the Underworld. Heracles asks him to explain what he means by "potent" (*gonimon*), and Dionysus replies that he means a poet who can say daring things like … "a mind that does not wish to swear over sacrificial victims, and a tongue that perjures itself separately from the mind" (*Frogs* 101–2). The adaptation of the original text is once again interesting. Line 102 articulates the element of perjury that is implicit but unexpressed in *Hipp.* 612, and the attempt to create an apparent escape clause from within a completely binding agreement is echoed in the previous line through the image of the mind (but presumably not the tongue) being unwilling to swear over sacrificial victims. This confirms what we saw in ch. 6, namely that including animal sacrifice as part of an oath ceremony was a way of adding additional sanctity or, to put it another way, of making the oath more binding. As it happens, Dionysus in *Frogs* ultimately decides not to bring Euripides back to Athens after being won over by Aeschylus. Euripides protests and tells Dionysus to remember the gods by whom he swore that he would take Euripides home (1469–70). Dionysus had not, in fact, "sworn" to take Euripides home, though he had expressed a strong desire to initially, but he is unfazed by Euripides' accusation and simply replies "'Twas but my tongue that swore; I'm choosing Aeschylus" (1471).[32]

29 On the problematic nature of swearing oaths by Aether, see §5.3.

30 Cf. Dillon 1995, 142, who suggests that the line is "scandalous because it tempts the audience to question the validity of the external oath to fix inner truth".

31 Dillon 1995, 143–4, also suggests that the Aristophanic parodies of *Hipp.* 612 are essentially humorous.

32 This is a rare example of what we have termed a "Sophoclean" oath outside Sophocles, and is discussed in more detail in §5.2.

Although these passages seem to present the line as a clever means of committing perjury, it is never actually used by anyone who has sworn a related oath. In this respect Aristophanic usage reflects the Platonic dialogues where the passage is referenced not in relation to perjury *per se* but as a means of escaping self-contradiction and reneging on an unsworn agreement. In *Theaetetus*, a dialogue whose subject matter is an attempt to define the nature of knowledge, no final definition is reached, but several conclusions are established concerning what knowledge is not. During this pursuit, Socrates manages to trick the young Theaetetus into contradicting himself (154c-d). Socrates gives the example of comparing, say, six dice with four, and gets Theaetetus to agree that six is more than four and that there is no other way of looking at it. He then asks Theaetetus what he would say if someone asked him "Can anything become more other than by being increased?" Theaetetus, it seems, fails to notice the shift from "being" to "becoming". He has just said that six dice *are* more than four (where there had been no reference to increase), but now seems to think that he will be forced to agree that nothing can *be* more (rather than *become* more) unless it is increased.[33] He replies as follows: "If I were to answer with reference to the last question, I would say no, but if I answered with reference to the previous question, I would say yes, to guard against contradicting myself." Socrates replies that if Theaetetus says yes, the situation will be like that in Euripides – his tongue will be incontrovertible, but not his mind. The language of swearing is notably absent here, as in the *Symposium*, where Socrates alludes to *Hipp.* 612 to excuse himself from continuing with the eulogy of Eros. Once he realises that the eulogist's job entails lying, he withdraws from the discussion by saying that it was merely his tongue that had *promised*, and not his mind (199a: ἡ γλῶσσα οὖν ὑπέσχετο, ἡ δὲ φρὴν οὔ).

None of the texts in which the line is referenced, then, actually include any associated perjury nor contemplation thereof by the swearer. Nevertheless, Aristotle tells us that *Hipp.* 612 led Euripides to be accused of impiety by a certain Hygiaenon, and that Euripides responded by saying that he had already given his account (δεδωκέναι λόγον) at the Dionysia and that his accuser was wrong to bring decisions from the Dionysiac contest into the law courts (*Rhetoric* 1416a31–2). It is not clear exactly what is meant by Euripides giving his account of the line at the Dionysia: it may simply suggest that by producing the play at the Dionysia he had already submitted himself to the judgement of the audience and the contest judges. Avery argues that Hygiaenon "made the line notorious

33 The distinction is one which is important for Plato, as, for example, in the discussion of Simonides *PMG* 542 in the *Protagoras* 339b–347a.

by twisting its meaning to suit his own purposes", and it may well be that Hygiaenon's accusation was what created, or at least increased, the line's infamy.[34] Certainly the most obvious defence against the accusation is that Hippolytus dies a gruesome death after imagining a distinction which might excuse perjury, suffering as do other tragic characters who commit explicit perjury (on which see §12.1). It also seems that the judges enjoyed the play since they awarded Euripides first prize in 428 BC for the production which included this *Hippolytus*, one of only four first prizes won in his lifetime.[35]

It is ironic, as Mikalson has noted, that the line should have brought charges of impiety against Euripides when it is "spoken by a character proven, in all of tragedy, most loyal to oaths in the most trying and tragic of circumstances".[36] The unique reception of this line, however, shows that the sentiment expressed in *Hipp.* 612 was dangerous. Subsequent adaptations meticulously avoid the precise situation of the original, and the tragedy as a whole demonstrates that oaths are binding in *thought*, as well as in speech. When Hippolytus states that his mind is unsworn, he effectively denies that his oath exists, in part at least, as the result of a thought process. He suggests that the oath was taken only as a speech act and not as a conscious decision, but in practice it is not possible to separate these two aspects of an oath. It is true, of course, that he swore the oath blind, but the fact remains that he agreed to swear it nonetheless. For all his pious reverence for Artemis, Hippolytus' complete disregard for Aphrodite shows that he does not understand appropriate religious behaviour. Aphrodite openly plans his destruction and Artemis cannot save him. Similarly Hippolytus does not seem to realize that his momentary rejection of an oath, even in thought, might contribute to the complex web of destruction in which he becomes entangled.

34 Avery 1968, 24.

35 Gibert 1997 and Hutchinson 2004 question whether the extant *Hippolytus* (rather than the lost *Hippolytus*) was the one which was awarded first prize, but I agree with Barrett 1964, 13 and Talboy & Sommerstein 2006, 266–9 that the extant *Hippolytus* must have been the later of the two plays and the play which won first prize in 428 (cf. Torrance 2013, 146–52).

36 Cf. Mikalson (1991) 86.

12 Responses to perjury

12.1 Divine responses

I.C. Torrance

We have already seen in §7.3.1 how perjury among the gods might be punished in the divine realm, and in §§10.2, 11.1 and 11.3 how the mere contemplation of perjury could result in the most commonly anticipated punishment for breaking an oath, namely death or the extinction of the family line. We have also discussed in ch. 3 how the orchestrated perjury of the Trojans in the *Iliad* had a significant place in the fabric of Greek mythology and at the same time troubled classical philosophers. Nevertheless, there remain some important observations to be made regarding the way in which the Greeks perceived the consequences of perjury and the role of the gods therein. Here we will discuss various examples of divine punishment for perjury, and we will see that in most cases punishment is violent and severe. On some rare circumstances the gods were *imagined* as being able to pardon perjury, although there is no actual evidence that this was anything more than wishful thinking on the part of humans. Occasionally, punishment seems to have been implicitly deferred from the original perjurers to subsequent generations.

12.1.1 Divine action and intervention

The official divine guardians of oaths are variously represented as Horkos (Oath), the Erinyes (as oath-curses), Zeus Horkios (guardian of oaths), and also Themis. In Hesiod, Horkos is the child of Eris (Strife), and he "brings the most woe to humans on earth, when anyone willingly swears a false oath" (Hes. *Thg.* 231–2, cf. *WD* 804). The man who swears falsely can expect his family to become "more obscure" (*amauroterē*), but the man who keeps his oath prospers (Hes. *WD* 282–5). In Sophocles, Horkos is the son of Zeus (*OC* 1767), and Zeus is generally perceived as overseeing oaths in his capacity as Zeus Horkios (e.g. Soph. *Phil.* 1324, Eur. *Hipp.* 1025). On one occasion, Themis, as the daughter of Zeus, is called *horkia* (*Med.* 209). The Erinyes are connected with Horkos in Hesiod in that they attended his birth (*WD* 803–4), while Oath has a "nameless" child in Herodotus who pursues and destroys the family of the perjurer (6.86). This nameless child is evidently the manifestation of the oath-curse contained in every formal oath, a curse which can be expected to pursue the perjurer (cf. ch. 2).

In addition to these official stewards of oaths, we have seen in §§5.3 and 6.1 that a wide variety of context-specific divinities were very often invoked in oaths, and that although Zeus is the great overseer of oaths, and appears most frequently as a sanctifying oath-witness, sworn statements in which he is invoked alone, particularly informal oaths, tend to be weaker than oaths which include other or more numerous deities. The remaining official guardians of oaths appear infrequently as oath-witnesses. The famous Iliadic truce includes the invocation of those who toil under the earth to take vengeance on dead men who have committed perjury (*Il.* 3.278–9) and although there are some textual problems here, a parallel passage in *Iliad* 19 (259–60) where the Erinyes are clearly invoked makes it likely that they are meant also in *Iliad* 3.[1] In an epic where the breach of an oath is a central issue, it is not surprising that a reminder of oath-curses is included in the list of sanctifying deities.

Elsewhere the invocation of the Erinys is anomalous. In Aeschylus' *Agamemnon*, Clytaemestra invokes three formidable forces – the Justice (*Dikē*) accomplished for her child, Ruin (*Atē*), and the Erinys – when she swears that no expectation of fear treads her halls while Aegisthus lights the fire at her hearth and remains well-disposed to her as before (*Ag.* 1432–6). She concludes her invocation of the divinities with the phrase αἷσι τόνδ' ἔσφαξ' ἐγώ (1433), which can mean either "*through* whom (i.e. through whose agency) I slew this man" or "*to* whom I slew this man." Fraenkel assumed the latter with a comment that implies the murder is an oath-sacrifice,[2] and this is the reading adopted by Fletcher who argues that Clytaemestra's oath is deeply problematic for this very reason, because the sacrifice here is offered to the oath-guarantors instead of representing the fate of the perjurer as is normally the case.[3] Certainly there is a grim irony to the forces invoked in Clytaemestra's oath since she will soon suffer at the hands of Agamemnon's avenging *Erinyes* and the *justice* that is due for him, as she becomes the victim of *ruin* in the subsequent drama.[4] Occasionally, masculine spirits of vengeance (*alastores*) take the place of the Erinyes, as in Eur. *Med.* 1059 when Medea invokes "the *alastores* below, who dwell in Hades" in her oath that she will not leave her children for her enemies to treat shamefully (see §6.1 for further discussion of this oath). It is striking that Medea herself is an avenger

1 See Kirk 1985 *ad* 3.278–9.

2 Fraenkel 1950, *ad* 1433; Raeburn and Thomas 2011, *ad* 1432–3 and Sommerstein 2013, 8 prefer the former reading but note both possibilities.

3 Fletcher 2012, 49.

4 Sommerstein 2013, 8.

of perjury (committed by Jason) and is later presented as becoming an Erinys (*Med*. 1260).[5]

Horkos is invoked once in Sophocles (*OC* 1767), and possibly once in Pindar (*Nem*. 11.24), although it is impossible to tell whether ναὶ μὰ γὰρ ὅρκον (or Ὅρκον) should be understood as "by my oath" or "by Horkos".[6] Apart from *Medea* 209, Themis is invoked once in Sophocles' *Electra* by the chorus (1063–5), along with Zeus (literally "the lightning-bolt of Zeus"), and is designated as part of the triad of divine witnesses (along with Zeus and Apollo) to the oath of *exōmosia* formulated in Plato's *Laws* 936e, an oath modelled on an actual Athenian practice used for refusing to testify but about which we can only reconstruct certain details.[7] We do not know whether or not oaths of *exōmosia* were sworn by a consistent triad of divinities, but if they were the triad most likely consisted of Zeus, Apollo and Demeter, a group of oath-witnesses who appear repeatedly in official oaths sworn in classical Athens, from the dicastic oath to sworn treaties, and who are sometimes called *theoi horkioi* "oath-gods".[8] The rarity with which Themis is invoked as an oath-witness elsewhere in Greek literature strongly suggests that the inclusion of Themis in the oath described in the *Laws* was a Platonic innovation.

Perjurers, then, could expect to be pursued by a variety of hostile divine forces, including any or all of the specific divinities named as oath-witnesses in the perjured oath and any of the official guarantors of oaths, whether or not these had been named in the original oath. Even non-perjurers could expect to suffer for keeping company with perjurers. At the end of Euripides' *Electra* Castor, a patron of sailors, warns against sailing with perjurers (Eur. *El*. 1355). The implication is that the fate of the perjurer will affect all on board, and the forces of the sea appear as the divine instrument for punishing perjury in two important broken oaths in Greek literature. In the *Odyssey* Odysseus' men swear that they will not slaughter any sheep or oxen they come upon on the island of Helios (12.298–307), but Eurylochus then successfully urges the hungry men to break the oath when they have exhausted their own food supply (12.340–65). After an appeal by Helios Zeus punishes the perjury by causing a shipwreck in which all the men drown, except Odysseus, who is washed up on Ogygie (Calypso's island). It is evident

5 On the significance of perjury in *Medea* and on Medea's role in punishing Jason, see Burnett 1973, esp. 13–20, Boedeker 1991, Kovacs 1993, Burnett 1998, 196–207, S.R. West 2003, 442–3. Pindar also presents Medea punishing the oath-breaker Pelias by slaying him, as implied in *Pythian* 4 (165–7; cf. 251), when Pelias failed to hand over the kingdom to Jason on his return with the golden fleece.

6 For further discussion of oaths sworn in Pindar's authorial persona, see ch. 13a.

7 See S&B 91–100.

8 On official oaths sworn by Zeus, Apollo and Demeter, see S&B 43–4, 70–2, 79, 154, 164–6.

that Eurylochus and the men are aware of the risk they will take in slaughtering the cattle of Helios. Eurylochus argues that even if Helios is angry and causes them to die at sea, it would be a better death than to die of hunger (12.348–51). This may be a persuasive argument to put to hungry men, an example of how the *sophos nous* can persuade someone to do something even if they have sworn not to (*trag. adesp.* 566), but it leads to a dangerous and foolish decision. Contrary to Castor's warning in Euripides' *Electra*, Odysseus manages to escape with his life, but it is made clear that this is only through the favour of Zeus (*Od.* 12.445–6) and although he does not die, he experiences serious suffering as a result of his men's perjury.

Elsewhere, in Hellanicus' account of the First Trojan War (fr. 26b/d Fowler), a sea-monster is sent to punish the Trojan Laomedon who had broken his oath to pay Apollo and Poseidon an agreed wage for building the walls of Troy. Laomedon was known for his treachery, and his fraud is mentioned in the *Iliad* (21.441–57). In Homer there is no oath, but Hellanicus presents the breach of the agreement as perjury. The sea monster is said to have destroyed both those who happened to be there and the growing crops, once more demonstrating that divine punishment for perjury can include bystanders as collateral damage. Interestingly Laomedon himself is not killed by the sea-monster but is required to appease it by offering his daughter Hesione. Heracles agrees to save Hesione in return for Laomedon's immortal horses, but Laomedon once again fails to keep his end of the bargain and Heracles gathers an army to attack Troy in retaliation, thus leading to the First Trojan War.[9] Laomedon is eventually slain by Heracles but it is significant that his perjury in Hellanicus causes the deaths of many others.[10]

With the insult to Poseidon, it is appropriate that Laomedon's punishment should be effected by a sea-monster. A sea-monster similarly materializes as the manifestation of Poseidon's curse set in motion by Theseus at the end of Euripides' *Hippolytus* where the title character had briefly considered perjury (see further §11.3). It is interesting, however, that both in the *Odyssey* and in Hellanicus, where a serious perjury is reported, it is the sea which acts as the enforcer of punishment on the perjurers. Helios and Zeus in the *Odyssey*, and Apollo in Hellanicus, might have been imagined as favouring alternative methods of punishment. In Euripides' *Suppliant Women* (496–9), for example, the perjurer Capaneus is killed by Zeus' thunderbolt, and in Sophocles' *Women of Trachis* the messenger Lichas, who swears a false oath invoking Zeus, is killed by the son of

9 For further details on Laomedon's role in Greek mythology see Gantz 1993, 400–2 and 442–4.
10 Virgil implies in his *Georgics* (1.501–2) that the Romans of his time are still paying for Laomedon's perjury with their blood (referring to their series of civil wars).

Zeus (Heracles) at a sanctuary of Zeus.[11] The importance of the sea as a destructive power which could afflict perjurers in the *Odyssey* and in Hellanicus' *Troica* illustrates a death much feared in Greek thought and underlines the terrifying fate awaiting those who break their oaths.[12]

In one unique case a man who broke an oath in order to escape service in a military expedition is plagued by weasels who bite him continually during the night while he tries to sleep, eventually causing him to take his own life (Aristotle, tit. 143,1 Gigon, 31.62; see further p. 307 n. 33).[13] One must assume some kind of supernatural intervention in the work of the weasels, and the passage shows how seriously the Greeks viewed avoiding one's duty through perjury. We are reminded of the fact that none of Helen's suitors breaks the oath which binds them to take part in the expedition against Troy, and that (as we saw in Ch. 3) although Odysseus apparently tried to avoid the expedition, he was nevertheless compelled to take part in it because of his oath.

12.1.2 Violent deaths and escape from perjury

In some cases divine intervention is not specified in the violent deaths of perjurers although their fates can be read as a result of their perjury. In Euripides' *Phoenician Women* the brothers Eteocles and Polyneices both die doing battle with each other, but Eteocles' death can be understood, in part at least, as stemming from the perjury he committed when he refused to hand over the kingship of Thebes to Polyneices as agreed (*Phoen.* 481). A comparable pattern can be detected with figures from later times. Aristocrates the Arcadian who betrays his Messenian allies to the Spartans during the First Messenian War is stoned to death by his own people and his crime is memorialized with an inscription mentioning, among other things, that it is a difficult thing for a perjured man to escape the notice of god (Callisthenes *FGrH* 124 F 23.3, Paus. 4.12, Polyb. 4.33). This instance highlights the conflation between divine and human punishment. Aristocrates is punished by his fellow-citizens, but his death is seen as the work of god. Several centuries after him Tissaphernes, a Persian notorious for deception,

11 See §5.2 for further discussion of this perjury.

12 The view that the Greeks were not natural-born seamen was developed by Lesky 1947. Greek myth demonstrates an ambiguous attitude to the sea as a place to be admired but also greatly feared, see further Buxton 1994, 97–104.

13 This reference comes from extracts of *Politeiai* attributed to Heracleides (in this case of the Locrians [Heracleides Lembus fr. 62 Dilts]), which Gigon regards as all derived from Aristotle but to which he gives no fragment numbers.

repeatedly breaks sworn treaties with the Greeks with no immediately apparent consequences.[14] He is eventually executed in 395 BC and his death can be read as an appropriate punishment for his perjury. However, the case of Tissaphernes raises an important question: since death awaits all human beings, and since perjury is not always immediately punished, is it possible to tell if death is a punishment for perjury? Is death a convenient punishment imagined for a crime over which humans have little control?[15] Or does the crime of perjury always result in a *violent and premature* death of the kinds we have so far discussed?

Let us consider the strange case of the Phocaeans reported by Herodotus (1.164–7). When Cyrus' general Harpagus laid siege to Phocaea and demanded a symbolic surrender, the Phocaeans asked for one day to deliberate before giving a response, and used the respite to evacuate the city and flee to Chios. Finding the Chians unwilling to give or sell them territory for settlement, they decided to migrate *en masse* to Corsica, where they had established a colony some years before. First, however, they returned to Phocaea, slaughtered the Persian garrison, denounced powerful curses on any of their own number who did not join the migration, dropped an ingot of iron into the sea, and swore not to return to Phocaea until the ingot reappeared. But at the first stop on their westward voyage (the Oenussae islands off Chios), more than half of them were overcome by "longing and regret for their city and the familiar haunts of their country" and sailed home, breaking their oath, while the rest, "those who were keeping the oath", sailed on to Corsica. Herodotus then follows the fortunes of this latter group. From their base in Corsica they seem to have engaged freely in piracy, and they managed to get themselves involved in a war with a powerful Etruscan-Carthaginian alliance. The Phocaeans were victorious in a naval battle, but it was a Pyrrhic (or, as Herodotus puts it, a Cadmean) victory, because after it they had not a single serviceable warship left, and they abandoned Corsica and sailed to Rhegium; many of their ships' crews, captured by the enemy, had been put to death, especially by the Etruscans of Agylla. The refugees in Italy established the city of Hyele (Elea). This is hardly the prosperity the Phocaeans might have expected for keeping their oaths, although their plundering of neighbouring communities suggests that their consequent suffering was well-deserved. More importantly, we might well ask what happened to the perjured majority who had returned to Phocaea. Herodotus, who brings us the famous cautionary tale of Glaucus (6.86), is here strangely silent on the subject. Phocaea still existed in his day, and was prosperous enough to pay Athens the respectable annual tribute

14 See Torrance 2012 for further details.

15 See below, §12.2, on human responses to perjury.

of three talents (later reduced to two) so that, at first glance, prosperity seems to have followed the perjurers.

Several scholars have noted the ritual importance associated with sinking iron into the sea as part of the oath. Clearly the gesture is symbolic of a binding permanence (see §6.3 for further discussion). The fact that the oath contained this powerful sanctifying feature makes it even more remarkable that the oath was broken and yet no mention is made of a punishment that afflicted perjurers. The issue can be resolved in three ways. Either (1) the eventual deaths of those who broke their oath was considered punishment for their perjury, or (2) there were conditions under which the gods could forgive perjury, or (3) subsequent generations of Phocaeans could be expected to pay for the perjury of their ancestors. The first possibility is hardly probable since eventual death, being inevitable in any case, would be no deterrent from committing perjury. The notion that the gods might forgive perjury in certain circumstances can be supported by a few passages. Hesiod's *Theogony* (231–2) specifies that the god Horkos afflicts men when they *willingly* swear a false oath.[16] Implicit in this formulation is that those who swear false oaths *unwillingly* might be spared the same punishment, and certain tragic characters suggest that the gods might overlook perjury in some circumstances. Agamemnon in Euripides' *Iphigeneia at Aulis* (394–5) claims that divine powers know when oaths have been fixed wrongfully or taken under compulsion, and a character in Euripides' *Polyidus* raises the possibility that the gods pardon a person who commits perjury in order to escape death, captivity or violent evil at the hands of their enemies (fr. 645). The context of both tragic passages is problematic, however. Agamemnon tries to suggest that he might evade an oath which (he implies) he took under compulsion, but the angle he tries to spin does not match his circumstances.[17] As to the *Polyidus* fragment, its text is uncertain, and on the likeliest reading[18] the speaker is roundly condemning the suggestion that the gods might condone a false oath.

We might also add here the *aphrodisios horkos*, which, although to some extent a humorous catch-phrase (as we saw in §11.2), nevertheless also shows that the possibility of exemption from punishment for perjury was raised in Greek

16 Plescia 1970, 83, argues that intention is not important in Homeric perjury because Hector's oath sworn to Dolon in *Iliad* 10 (321–32), which he is unable to fulfill because of his death, is said to have been *epiorkon*, which normally means "sworn falsely". However, it would be anomalous to view Hector's oath as a punishable perjury and it seems more reasonable to follow the reading of the passage in *LSJ s.v.* ἐπίορκος "he swore *a bootless oath*, i.e. one which he meant to fulfil but the gods willed otherwise."

17 See ch. 3 for further discussion of this passage.

18 See Collard and Cropp 2008, viii, 102–3.

thought. Aristophanic comedy too contains several examples of apparent perjury which goes unpunished. Some of these can be easily explained. In *Clouds*, Pheidippides first swears to comply with his father's wishes, invoking Dionysus (91), and then swears a second oath by Dionysus that he will not become a student (108–9), thus breaking his first oath since this is precisely what his father wants him to do. In *Clouds*, however, the role and power of the traditional gods is attacked, and the function of Zeus as punisher of perjurers is questioned by Socrates (399–401) who manages to convince Strepsiades that Zeus and his thunderbolt do not exist, because otherwise, Zeus would have blasted known perjurers, but in fact his strikes seem quite indiscriminate, hitting temples (including his own) and trees (which hardly commit perjury!) At *Clouds* 1227, where Strepsiades is reminded that he swore by the gods to repay what was lent to him, he is not concerned about committing perjury against gods in whose existence he no longer believes.[19] Sommerstein identifies three classes of false oaths in comedy, apart from lover's oaths, which go unpunished: oaths uttered by villains, who are presumably to get their just deserts in the end; ironical or exaggerated statements not intended to deceive; and "none of the above" referring to nine false oaths, all of which occur in late Aristophanic plays and coincide with a decline in the perceived power of oaths (see further ch.15).[20]

It seems, then, that perjury could go unpunished, occasionally, and under certain conditions. In an alternative comic universe oaths which would normally be binding could be worthless, and in the late fifth and early fourth centuries our sources demonstrate an increased challenge to the validity of oaths. Hesiod's description of punishment for perjury on those who *willingly* swear false oaths implies that even in archaic Greek thought there were circumstances in which perjury of a formal oath could result in a punishment less severe than that described for willing perjurers. In actual fact, however, there is no clear evidence that those who broke a formal oath did not suffer divine punishment, and Hesiod does not say that those who swore false oaths against their will escaped punishment altogether. Returning to the case of the Phocaeans, we seem to be driven to the conclusion that their punishment is envisaged as only postponed: oath

19 As Sommerstein 2007b, 126 notes, we have no real way of telling whether this oath was informal or formal. Sommerstein also notes how Strepsiades is shameless is continuing to use oaths "when his behaviour shows he regards oaths as worthless" (135). On oaths in *Clouds* see also §13.2.

20 *Wasps* 184, *Birds* 1680, *Lysistrata* 990, 1236–38, *Women at the Thesmophoria* 623–24, *Frogs* 49–51, 650, 1471, *Women at the Ecclesia* 553, and see further Sommerstein 2007b, 136–7.

curses, like other types of curses in Greek thought, could be delayed from one generation to another.[21]

Cases in which perjury is not punished are extremely rare, and it seems important that the perjurer and/or their family should suffer appropriately. Suffering in addition to death or the extinction of the family line is a crucial aspect of anticipated divine punishment for perjury, as we have seen in most of the examples discussed above. Even if the perjurer does not suffer, it is important that his (or her) family is expected to suffer instead (e.g. Lyc. *Leocr.* 79). Moreover, even if perjurers seem to profit in the short term, there is, according to Theognis, no way of hiding from the gods whose designs will prevail in the end (Theognis 200, 1195).

12.2 Human responses

Kyriaki Konstantinidou

12.2.1 Introduction

In archaic and classical Greek literature, where the binding power of oaths really mattered in agreements and covenants between individuals (see ch. 10), and keeping one's oath (*euorkia*) was considered to be a sign of an individual's virtue and integrity (Pind. *Ol.* 2.61–70; Soph. *Ant.* 365–75; Ar. *Wealth* 61–2),[22] perjury was inevitably marked as a serious moral infraction. In Plato's *Gorgias* (525a1), swearing falsely figures at the top of the list of moral failings ascribed to souls receiving judgement from Rhadamanthys, along with more general faults of injustice, deception and boastfulness. Comedy preserves a similar image: in Aristophanes perjurers are set alongside other despicable wrongdoers, such as father- and mother-beaters, in the same pit in the underworld (*Frogs* 145–51, 273–5), while claims about the great benefits of committing perjury in *Knights* (296–8, 418–28, 1239) are apparently too outrageous even for Paphlagon-Cleon, who is the arch-villain of the play; they are made by the Sausage-Seller, who defeats him by being, or posing as, a still greater villain. Perjury ranked high among the moral offences in literary representations.

21 See further Ch. 2 on oath curses.

22 Euripides' *Hippolytus* provides probably our best-known example in literature on the subject of morality and *euorkia*. See most recently Fletcher 2012, 126–9.

In §12.1, we saw that the gods were, in theory, held responsible for exacting punishment in case of perjury. Yet, at the same time, as S&B have shown in detail regarding reactions to perceived breaches of oath in interstate alliances and treaties, we should certainly not assume a human passivity or absence of human agency in the event of a perceived perjury.[23] The present chapter sketches out evidence for the nature of the human responses to the moral offence of perjury in circumstances of *oath-taking among individuals*. What did an individual do when (s)he discovered that (s)he had been deceived by a false oath? What were the means and forms of agency, as depicted in archaic and classical Greek literature, through which a victim of perjury could try to affect the life of the perjurer?

There are two general points that need to be stated in advance regarding our evidence as a whole for the actual human perception of perjury. First, it was, naturally, much easier for an individual to perceive perjury after a *promissory* oath that the swearer did not keep, than after *assertory* statements about the past or present that the swearer did not believe to be true. In the former case perjury comes to light through the swearer's subsequent actions, but in the latter case it is more difficult to discern a perjury *on the spot* and act against the perjurer. Accordingly, evidence for responses to perjury in archaic and classical Greek literature is mostly found in relation to promissory oaths.[24] Second, as far as we are able to tell from the victims' reactions, nowhere is there any indication that *a victim of perjury* made any differentiation between intentional and unintentional perjury, with a view, for instance, to forgiving or justifying the latter.[25] Thus despite the most famous line of antiquity about oath-taking, which brings to the fore a concern about the swearer's intention (Eur. *Hipp*. 612, "my tongue sworn but my mind remains unsworn"; see §11.3), victims of perjury consistently condemn the breach of oaths irrespective of initial intentions.

23 See esp. S&B 147–247; 280–90 and 312–20 with further bibliography.

24 In Aristophanic comedy, where the vast majority of assertory oaths are informal (see ch. 13), we can detect a few cases of perjury committed in relation to an assertory oath that are followed by an explicit reaction of the interlocutor (Ar. *Lys*. 989–92, *Wasps* 184–9, *Thesm*. 623–7; *Frogs* 49–51, 650 (exposed in 741–2). However, we hardly ever witness any other reaction than the simple statement of disbelief in, or being unconvinced by, an admittedly exaggerated statement. Carawan 2007 has argued that our few attestations of perjury within business transactions also relate to assertory oaths between the two parties after quarrels (see n.43).

25 This is also in agreement with the earliest attestation of the word *epiorkos* in Greek literature, in *Iliad* 10.332, which concerns a promissory oath that was made sincerely but was not in the end fulfilled. On intentionality and perjury cf. Plescia 1970, 83–91 who, however, sees the term *epiorkia* mainly in relation to intentional perjury, especially in later theoretical discussions.

The following section discusses specific representations in different literary genres of the victims' reactions to perjury as a disruption of bonds of friendship and trust among individuals. Since they are largely based on the victim's accusations[26] their truthfulness, accuracy and objectivity can easily be debated.[27] Still, if nothing else, they can help us build a sense of the cultural mentality surrounding perjury and its policing, without recourse to the unseen actions of the gods. As will become evident, the persistent representations of human reactions to perjury throughout archaic and classical Greece testify to the continuing human belief in the binding power of the oath. Despite any theoretical discussions about a decline of the oath in the fourth century related to the readiness of individuals to break their oaths (see ch. 15), the responses by the victims balance out any such claims and restore the perception of the oath as a serious business among humans.

12.2.2 From friendship to enmity, from trust to distrust

As a means of facilitating interaction among individuals, oaths established bonds of reciprocal friendship (*philotēs* or *philia*) and more than any other agreement, they were used especially to signify a shift from a state of previous enmity to a state of friendship (*Il.* 3.94; *h.Herm.* 518–26).[28] It is thus common for victims of perjury to see it as effecting a breakdown of *philia*, representing the reverse transition to a state of animosity and hatred, wherein the (perjuring) previous friend is treated as an enemy. In a fragment of Sophocles' *Oenomaus* (fr. 472), a speaker of doubtful identity ranks the reproach of *friends* (φίλων μέμψις), along with the fear of gods, as a crucial deterrent against committing perjury.[29] A clear dem-

26 Admission of perjury by the perjurer is, naturally, very rare in Greek sources. Cf. Thuc. 7.18.2 where the Spartans come to a retrospective appreciation and conclusion that they deserved their disaster at Pylos because they had broken the Thirty Years' Peace by resorting to war, when the Athenians had offered to submit their disputes to arbitration. They admit this, however, only as a way of trying to make sense of, and account for, why they had come off worse in the war of 431–421.

27 The opposing scholarly approaches regarding the counter-claims of the parties in relation to the perjury of the Plataean oath (see S.R. West 2003 and Hornblower 2007), or to Philip's perjury in Demosthenes (see S&B 280–90), furnish good instances of this.

28 See Herman 1987, 50, 59 for oaths sealing rituals of *philia*; Karavites 1992, 48–58 for *philotēs* in archaic interstate alliances; Fletcher 2008, 24–8. Perjury as an offence among previous *philoi* does not come under scrutiny in M.W. Blundell's seminal study (1989) on the moral principle of "helping friends, harming enemies".

29 Sommerstein & Talboy 2012, 75, following Welcker and Pearson, suggest that most probably the speaker is Hippodameia demanding an oath by Myrtilus (to help Pelops with the chariot

onstration of such reproach is evident in the blame poetry of the iambic genre. Twice perjury is aggressively presented as something that turns a friendship sour, and represents the primary ammunition with which the poet launches his invective against his enemy (Hipponax fr. 115; Archil. frr. 172–181).[30] In fact Archilochus fr. 173 establishes perjury as the basic reason for his sustained verbal assault on Lycambes:

> For who does not know [says Origen] that many who have shared salt and table have conspired against their fellow diners? And the history of the Greeks and barbarians is full of such examples. It is in fact the reproach which the iambic poet of Paros levels against Lycambes for having broken an agreement after salt and table:
>
> You have turned your back on salt and table
> by which you swore a solemn oath
>
> (Orig. *c. Celsum* 2.21, trans. Gerber)

Most recently Gagné 2009 has drawn attention to the broken oath of Lycambes which underlies the whole tradition of Archilochus' invective (fr. 172–181), a promise of marriage between his daughter and the poet that Lycambes violated. Significantly, the insult is not configured as simply a personal one. Through invective, Lycambes is presented as an enemy of the poet for having broken his oath, and also of the group at large, his aristocratic *hetairoi*, with whom he shared his feasting, wine and poetry ("salt and table").[31] The wider symposiastic context is enlisted as a witness of Lycambes' perjury. The later attestations about his alleged suicide and/or those of his daughters (*Anth.Pal.* 7.351, 352),[32] show that accusa-

race against Oenomaus); cf. Calder 1974, 205–6 who regards the line as a generalized statement on behalf of Hippodameia. Recently Fletcher 2012, 137–8 offers the alternative of an oath of fair competition between Pelops and Oenomaus with reference to a group of fourth-century vases from South Italy. Among these, she draws attention to an Apulian vase in St Petersburg State Hermitage Museum (4323) that features the two of them and the presence of an Erinys (137n. 36). This Erinys, though, may simply allude to the future revenge curse from Oenomaus against Pelops, to be activated after his death in the chariot race ([Apoll.] *Epit.* 2.7, Σ Eur. *Or.* 990); or it could even be a hint at the curse of Myrtilus against Pelops and his family, after Pelops killed him by casting him into the sea off the Peloponnesian coast, when Myrtilus made a sexual advance to Hippodameia (Soph. *El.* 502–15, Eur. *Or.* 996–7, [Apoll.] *Epit.* 2.8, Σ Eur. *Or.* 990).

30 In Hipponax fr. 115.5 the perjurer is described as "trampling upon his oath although he was previously a *hetairos*". "To trample an oath" is an expression that indicates symbolically the reversal of a previous friendship (see Alcaeus fr. 129. 13–24; *trag. adesp.* 188b); for the political allusions of Hipponax's *philia* as revealed by the word *hetairos* in the sympotic context cf. e.g. Degani 1984, 91–3.

31 See Gagné 2009, esp. 265–270, Stehle 1997, 240–2; C.G. Brown 1997, 58–62.

32 See the detailed analysis of the epigrams in Rosen 2007. Interestingly, as Gagné 2009, 260–1

tions of perjury could be imagined as having significant, and fatal, ramifications for the accused party.[33] One aspect of this must have been the public humiliation of being exposed as a false friend and as a danger to social cohesion.[34]

The tradition of the violent end of Lycambes' daughters caused indirectly by verbal attacks brings up the question whether perjury, as a rupture of bonds of *philia* among individuals, caused more violent and direct physical interventions by the victims of perjury. In contrast to perceived acts of perjury in interstate alliances that lead to war, perjury among individuals is not generally represented as leading to overt physical violence, except in one genre, tragedy,[35] where this happens quite frequently. At one level, when perjurers are punished at the hands of their fellow men in the plays without any explicit justification for their punishment, the audience can easily assume divine intervention to be at work (Parthenopaeus in Aesch. *Sept*. 529–32;[36] Capaneus in Eur. *Suppl*. 498; Lichas in Soph. *Trach*. 399, killed by Heracles in 781–2). But characters in tragedy can also explicitly name and present their own aggressive physical intervention as a direct consequence of perjury. In the case of Euripides' *Phoenissae*, perjury is the reason behind the most extreme expression of hostility. The breach of the brothers' mutual oath for ruling Thebes alternately, as articulated by Polyneices (Eur. *Phoen*. 481–95, cf. 433–4 and 626–30), acquires further political implications when it leads to the civil war in Thebes and finally to the death of Eteocles and Polyneices themselves.[37] On a more personal level, the best-known intrafamilial event of perjury, Jason's betrayal of Medea, at first triggers Medea's vicious

noted, in the actual epigrams the daughters of Lycambes take oaths themselves to deny any relationship with Archilochus. For the likelihood of a connection between the indirect tradition and Archilochus' attacks on Lycambes as reflecting reality, see e.g. Carey 1986 (*contra* M.L. West 1974, 26–8; Nagy 1979, 243–52 and cf. Burnett 1983, 89–91).

33 Suicide by the perjurer himself, and as a consequence of his offence, appears twice in Greek literature: in Herodotus (3.74), Prexaspes commits suicide after he reveals to the Persian people the truth about the death of Cyrus' son, Smerdis, and the involvement of the *magoi* in this, while he asks the Persians for revenge, constructing himself as a conditional curse. The second case appears in a fragment from the *Politeiai* of Heracleides Lembus (fr. 62 Dilts): a certain Polemarchus commits perjury in order to avoid his military service; as a result, divine punishment seems to take the form of weasels which bite him during the night and do not let him sleep; this leads him to take his own life.

34 Cf. C.G. Brown 1997, 69.

35 On the issue of perjury in tragedy in general, cf. Mikalson 1991, 80–7; Fletcher 2012, 123–57.

36 The oath of the impious Parthenopaeus that he will sack the city of the Cadmeians *in defiance of Zeus* ironically remains unfulfilled due to the actual death of the swearer.

37 Cf. Eur. fr. 286.7 where it is said that tyrants break oaths to sack cities. On the importance of the theme of oaths and perjury in Eur. *Phoen*. see Fletcher 2012, 129–35.

verbal attacks against her former husband, and finally culminates in her personal revenge on their offspring (1386–8), which she executes as a divine agent, an Erinys (1261).[38] Only in these extreme scenarios of revenge, represented in tragedy, does perjury lead to direct human physical intervention. Otherwise, individual human responses to perjury follow more attenuated, but still very influential, forms of expression.

One such form relates to exposing the rupture of bonds of trust as a result of perjury. In the previous cases of human responses to perjury, the offence concerned intimate relationships among individuals, but in any kind of human interaction, oath-taking presupposes the emergence and establishment of a relationship of trust between two or more individuals (see §4.2). Certain criteria could condition trust in oath-taking in general: e.g. villains were expected to be more susceptible to breaking bonds of trust and suspicion of their tendency to perjury is repeatedly reported.[39] Yet, obviously, exposing false oath-taking provided the securest proof for the wronged party that one was untrustworthy in general and, in particular, that one *was not to be trusted again in circumstances of oath-taking*. Such a scenario seems to be envisaged in Antiphanes (fr. 237), where a character sees previous false swearing as *the only justifiable reason* that one might not believe a sworn statement:

> If someone looks down upon an oath-taker *unless he knows that he had committed perjury in the past*, it seems to me that such a man looks down upon the gods and he himself had committed perjury in the past.[40]

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38 On the oath theme in the play see, most recently, Mossman 2011, 42–5 (and cf. Boedeker, 1991, Kovacs, 1993, Burnett 1998, 192–224, S.R. West 2003, 443–4) who makes the sensible point (42 n. 152) that Jason never denies, throughout the play, having sworn an oath to Medea despite the accusations she makes. This point refutes Arlene Allan's claim (2007) that we are meant to suppose he never did swear such an oath, contrary to almost all scholars who have dealt with the issue of perjury in the play.

39 cf. e.g. Antiphanes fr. 230: "whoever offers an oath to a wicked man is mad (*mainetai*) because the gods do now the opposite. If anyone forswears in their name, the man who invited him to swear is struck by lightning directly, I believe, because he trusted someone". It may well be that the end of the sentence has been lost and that Antiphanes wrote "...trusted someone wicked" (see ch. 15). In Theognis 399, an advice is given for the *good man* to flee "oaths that destroy men" which implies that the good man should be careful in whom he trusts in oath-taking. Cf. also Theognis 284 and Ar. *Knights* 296–8, 418–28, 1239 (mentioned above).

40 In Democritus fr. 239.1–3 a perjurer is by definition a wicked man who cannot be trusted. The last sentence in Antiphanes identifies the man suspicious of perjury as someone who has committed perjury in the past, and the same idea is found in Amphis fr. 42, "he who does not believe an oath will himself be a ready and clever perjurer". In ch. 15 these comic fragments are placed in the context of mid-fourth-century intellectual discussions that questioned the value of oaths.

It is thus not surprising that, in our sources, a perjurer in interpersonal oath-taking is *almost never* offered a second chance of swearing an oath. One exception though stands out in Aristophanic comedy: although clear-cut perjury usually does not trigger a human – or, indeed, divine – response in comedy,[41] in Aristophanes' *Clouds* we find a single case of a victim offering an oath to an already known perjurer[42] and it is significant because it concerns a money deal, where trust is a basic prerequisite.[43] After Strepsiades has renounced the traditional belief in gods, a creditor visits him, bringing with him a witness and, notably, claiming that he is about to "make one of his fellow-demesmen *an enemy*" (1219). He reminds Strepsiades of an oath[44] that he had sworn in the past promising to repay a loan of twelve minae borrowed from him, the creditor, to buy a horse (1222–30); Strepsiades denies the existence of such a loan (1225–6). Faced by this denial, the creditor challenges Strepsiades to swear another oath denying his debt:

> *Cred.* Will you be willing to deny this upon oath of the gods?
> *Streps.* What gods?
> *Cred.* Zeus, Hermes and Poseidon.
> *Streps.* Yes by Zeus! And would pay down three obols too for the privilege!
> *Cred.* Then may you perish one day for your impudence!

The creditor's curse on Strepsiades for his shamelessness makes it clear that he does not believe him, in spite of Strepsiades' readiness to swear an oath. Thus even in this example, though an oath was offered, the exchange ends up expos-

41 See §13.2 and cf. n.3. For the use of oaths in Aristophanic comedy see also Dillon 1995.

42 Cf. Aesch. fr. 394 (from an unidentified play): "oaths do not give credibility (*pistis*) to men, but men to oaths", again suggesting that an oath is to be trusted only if one knows the character of the swearer. If not a generalized statement, the line may be a reply to a well-known liar or perjurer who offers an oath to the speaker but has his offer rejected on the grounds of previous untrustworthy behaviour.

43 Carawan 2007 and Sommerstein (§4.2 above) have shown that in business transactions an exchange of oaths was not required, *unless to settle an emerging quarrel*: asking for an oath in advance would have implied a major lack of trust that has no place in business deals. It is telling that in law-court speeches where oaths are reported to settle such quarrels emerging in business deals, they are always raised in the context of perjury committed by the opponent (Dem. 48.51–52, 54; Isaeus 2.40). The effect that these accusations could have had on the perjurer's future reputation for trustworthiness in business transactions is apparent.

44 As Sommerstein states in §13.2, there is no indication what form this oath took, i.e. whether it was informal "yes, by Zeus" as a reply to a request that he would repay the loan or whether it was expressed more formally by Strepsiades, "I swear by the gods that I will repay what I am borrowing".

ing (again) the unreliability and untrustworthiness of the perjurer who constantly lies and is unable to (re-)establish relationships of trust.

The emphasis in this section has been, first and foremost, on the immediate reactions reported by victims of perjury against the perjurer in interpersonal affairs. Within the same context, the following two sections turn the focus specifically on the conscious involvement, on the part of the victim of perjury, of external groups to exercise influence against the perjurer – namely, the wider public and the gods.

12.2.3 Bringing perjury to the attention of others

There is a common line of human action traceable in the aforementioned instances of a perceived perjury. The invective of iambic poetry broadcasts perjury to the participants in the symposium and the public at large. Similarly Medea, through her stage performance of being a victim of Jason's broken oaths, involves the chorus – and audience – in an open assault on Jason's reputation as a hero. So too the creditor serially accuses Strepsiades of perjury in front of his witness and, again, the audience, while the perjurer himself – in a neat comic twist – seems to luxuriate in the possibilities of swearing falsely. Since perjury was such a serious moral offence, the most powerful way to influence a perpetrator's life in human terms was to make the offence public and expose him as a perjurer among his peers.[45] The consequences of being thus exposed ranged from public humiliation and contempt to tangible difficulties in establishing relationships of trust in the future.[46]

45 In formal oath-taking, the social dimensions of the offence of perjury were, for example, apparent in efforts to record it on stones: in 419/8 BCE Alcibiades makes this clear when he persuaded the Athenians to inscribe under the *stele* recording the peace of Nicias that "the Spartans have not kept their oaths" (Thuc. 5.56.3), exposing the offenders to the public. An Athenian decree of 363/2 BC (RO 39), about the establishment of an agreement between Ceos and Athens, reports not only an oath sworn at the making of a past agreement and written on *stelai*, but also "*the names of those who had contravened their oaths and agreement*" (RO 39.30–35). As we are informed, the latter "returned [i.e. from exile] and overturned the *stelai*", a fact that hints at the great impact of the public recording and exposure of the offence.

46 On similar lines, cf. Cairns 1993, 210: "not only does perjury involve disregard of the honour of the gods, it reveals both the perjurer's lack of concern for the honour of those before whom the oath was sworn and a reprehensible lack of concern for his own honour – for the exposure, that is, of his falsehood which the public nature of the institution makes inevitable".

Arguably the quintessential space where public accusations of perjury were articulated and worked out was the law-court.[47] In the theoretical treatise, *Rhetorica ad Alexandrum*, probably by Anaximenes of Lampsacus, accusations for perjury are defined in moral terms and figure as one of the main rhetorical strategies in the court: a litigant is said to be able to disparage the opponent's oath by saying that "the kind of people who commit crimes are also those who are not concerned about perjury"; meanwhile, the defence of his own oath is given in terms of not only avoiding the fear of the gods but also, very importantly, *avoiding the shame [αἰσχύνη] among his peers* ([Arist.] *Rhet. ad Alex.* 1432a33–b4). Generally, orators' speeches preserve a wealth of verbal attacks regarding the offence of perjury and as Martin (2009) has shown, these kinds of attacks were extensively exploited for rhetorical purposes. This is not the place to examine forensic attacks on perjury in detail, but two examples of accusations of perjury in homicide cases will suffice here to show how speakers could achieve the public exposure of their opponent as a perjurer.[48]

In Antiphon 6 verbal attacks implicating perjury form a main line of argumentation by the speaker against his opponent. The accused *chorēgos* tries first to prove that his accusers are clearly committing perjury when they claim that he killed Diodotus by planning his death. He starts with presenting them as "the most perjured and impious of all humans" (6.33, 48) and underlines the fact that they can easily break *any kind of oaths* (6.49, 51). At the very end of the speech, he explicitly invites the jurors to pay heed to the fact that as perjurers the prosecutors will also try to deceive the judicial body itself (6.51):[49]

> Is there then no court they would not enter intent on deceiving it? Is there no oath they would hesitate to swear, these ungodly villains? They know you are the most righteous and just jurors in Greece, and yet they come before you intent on deceiving you if they can, despite the mighty oaths they have sworn.

47 Note that perjury in Athens did not constitute a legal crime (see S&B 90).

48 Other relevant passages: homicide – Lys. 3.1, 21; Isoc. 18.54, 56 (witness in a previous homicide trial); other private cases – Dem. 39.3–4; 40.2, 10; Dem. 42.11–12, 29; [Dem.] 47.31; Dem. 54.39; Dem. 58.43; Dem. 21.119, 120–1; Dem. 31.9; [Dem.] 48.52; [Dem.] 49. 66–7; Isaeus 2.40; perjury by public figures in state or interstate oaths – (Demosthenes) Aeschines 2.153; 3.77; 3.99; 3.149–50; 3.208, Dinarchus 1.47; (Aeschines) Dem. 19.94, 134; (Philip) Dem. 2.5, 10; 3.17–18; 9.15–16; 10.11; 11.2–3; 18.71; 19.132; (Cersobleptes) Dem. 23.170–3; (Charidemus) Dem. 23.176–7; (Alcibiades) [Andoc.] 4.39. For the invalidity of Demosthenes' portrayal of Philip as a perjurer see S&B 280–90.

49 Cf. Lys. 3.1, 21 where the verbal attacks in a trial for wounding held before the Areopagus council are structured in similar terms.

Apart from convincing and influencing the judicial body, such ramifications of an exposure of perjury in a legal dispute inevitably extend to the space outside the courtroom. Characteristically, in Apollodorus' *Against Neaira*, the litigant recalls the perjury committed by an opponent on a previous occasion, when falsely prosecuting him for homicide. After rejecting the accusation, he comments that his opponent "left the court as a perjured man and with the reputation of a *ponēros*" ([Dem.] 59.10). Irrespective of the truthfulness of these remarks, the way perjury is handled by litigants demonstrates the strong influence that *verbal accusations of perjury* can exercise on a perceived perjurer, simply by his exposure in front of a public audience.[50] By bringing perjury to the attention of others as an outrageous offence, the victim could hit back against his enemy in the expectation that his opponent would then not be trusted either by the judges in the present case or the public in general in future occasions. The alleged victim of perjury, as long as he manages to persuade his audience, holds the reputation and future dealings of his opponent in his hands.

12.2.4 Bringing perjury to the attention of the gods

The first part of this chapter (§12.1) examined in detail divine responses to perjury, while all of the examples in the present section concerned a perceived perjury that involved human agency in its confrontation. At the end of the chapter it is worth looking at one type of human response to perjury that is, indeed, based on human agency but implicates also the divine through verbal means. This is the case of prayers or spontaneous curses against the offender that invoke the gods.

Since gods, as we have seen, can be late in exacting punishment on the perjurer, victims of perjury frequently felt the need to remind them about the offence and engage them actively.[51] Archaic poetry had already laid the grounds for this practice. In Alcaeus, perjury is a major component of the alleged treachery of

50 A similar implication is present in Hypereides fr. 40 Jensen, where we are told that the politician Aristophon had acquired the nickname "Ardettus" (a place where official oaths were regularly taken) because he so often committed perjury there.

51 Consultation of oracles, as human-divine verbal communication, is also reported in relation to perjury, but the evidence is limited. When they suspected interstate perjury, the Spartans consulted the Delphic oracle to find out whether they should go to war with the Athenians, since they were convinced that the Athenians had broken the terms of the Thirty Years' Peace – and received the positive answer that the god would be with them whether "invoked or not" which resulted in their attack (Thuc. 1.118.3). Compare also the story of Glaucus the Spartan (§10.2). Much later evidence in the "confession inscriptions" from Asia Minor show that individuals visited

his former co-conspirator Pittacus (fr. 129);[52] as a result, the poet utters a prayer for revenge in the sacred precinct of Hera in a personal communication to the goddess.[53] Most often, however, this form of communication with the divine takes the form of a spontaneous, aggressive act of cursing against the perjurer. In the invective of Hipponax (fr. 115), the elaborate curse that precedes the actual reference to his ex-friend's perjury becomes a powerful verbal weapon against the perjurer. The same linguistic feature appears in the language of the victims of perjury in drama too. In Aristophanes' *Clouds*, as we saw, the creditor curses Strepsiades (1236) and invokes the gods (1239) when he realizes that he has been deceived under oath. Similarly, in Euripides' *Medea* the act of cursing is a typical element in the mouth of the heroine, as she brings Jason's perjury into the open (Eur. *Med*. 160–72; cf. 20–2).[54] Behind this form of human response a common feature of oath-taking may be identified: the human agent re-enacts verbally the self-imprecation of the oath that the perjurer has broken. By these means the victim of perjury aims to reactivate the oath and remind the gods of their role as punishers of people who break oaths.[55] Especially in cases where there were no other means of redressing the wrong suffered or making it known, as for instance in the case of Alcaeus, this type of verbal response was the victims' sole and safe way of influencing the subsequent actions and lives of their offenders in the event of perjury.

It is, thus, apparent that when one turns to human responses among individuals, accusations and verbal attacks form the main means of affecting negatively a perceived or alleged perjurer in literary accounts. Victims of perjury are represented as bringing into focus the breach of fundamental moral values, such as friendship or trust established through oath-taking, a fact that naturally had a negative impact upon the future dealings of a perjurer with other people. This was efficiently achieved by expanding these attacks into wider contexts that implicate others as listeners, such as an audience in a lawcourt or even the gods

temples in order to confess the offence of perjury and ask the divine about what action should be taken: see Chaniotis 2004, 34 with reference to *BIWK* 52, 102, 103, 106, 120.

52 In all probability the same oath is mentioned in Alcaeus fr. 167.1 and 306(g) 9–11. For a reading of this oath in relation to Near Eastern parallels, see Bachvarova 2007.

53 Cf. Archilochus fr. 177 where the attested invocation/prayer to Zeus for justice was very likely a response to Lycambes' perjury. Within the same framework of prayers of revenge, we can place Archidamus' prayer for justice (Thuc. 2.74) before the Spartan attack on the Plataeans. Archidamus asks the gods' consent for *the justified punishment of the wrong-doers*. The performance of this prayer indicates Archidamus' effort to justify the actual human intervention.

54 Cf. further e.g. Eur. *Cycl*. 270, *Phoen*. 491–3, Dem. 10.11, Xen. *Anab*. 3.2.6.

55 For this point, esp. in relation to archaic poetry, cf. L. Watson 1991, 56–62; Giordano 1999, 55–6; Bachvarova 2007, 182.

themselves, with the latter expected to perform their role as punishers of perjury. The persistent representations of human complaints and accusations of perjury throughout the archaic and classical periods show that, in practice, the perception of the oath as a binding moral contract among individuals never ceased to exist.

13 The informal oath

A.H. Sommerstein

13.1 How informal oaths are used

For the purposes of this book, an "informal oath" is defined as an oath which meets both the following specifications:

(a) The sole linguistic marker is the presence of a phrase consisting of an affirmative or negative particle (in Attic ναὶ μά, νή, οὐ μά, or μά; for the equivalents in other dialects, see §5.1, pp. 80–1) followed by the name of a god, hero, or *Eideshort* in the accusative case[1] (with or without a definite article),[2] or alternatively (in Boeotian dialect) ἴττω followed by the name of a god or hero in the nominative.

(b) The oath occurs in a prose text or in one of the less elevated poetic genres such as satyr-drama, comedy, elegy or iambus (for oaths of the same form in epic, lyric and tragedy, see §5.1, pp. 81–3), or in an inscription of informal nature.[3]

These oaths are very unevenly distributed in our data. The following table shows their frequency in texts of various kinds in our period. In the case of satyr-drama the figures are necessarily approximate, since it is often uncertain whether a quoted fragment comes from a satyr-play or a tragedy, particularly when the quoting author does not name the play. In the case of some of the better-preserved authors, an approximate figure is given for the total surviving wordage of that author's works[4] and for the frequency of informal oaths per thousand words.

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1 Or by a plural or dual expression meaning "the gods".

2 If the god sworn by is Zeus, the article is optional; everywhere else it is normally obligatory. Apart from a series of comic passages (Ar. *Birds* 194; Antiphanes fr. 288; Timocles fr. 41) which all seem to be quoting or parodying a tragic line (*trag. adesp.* 123a), there is only a single exception, among passages meeting the above definition of informal oaths – in Plato's *Symposium* (219c), where Alcibiades swears μὰ θεούς, μὰ θεάς that his attempt to carry out a reverse seduction of Socrates had proved an abject failure. This formula occurs nowhere else in Greek literature, but the shorter forms μὰ θεούς and νὴ θεούς appear in a fourth-century lyric poem of elevated style if not of elevated subject, the *Banquet* of Philoxenus of Leucas (*PMG* 836b.20), and occasionally in Hellenistic and Imperial texts of various kinds (Herodas 7.99; *Anth.Pal.* 7.351.7 [Dioscorides], 12.48.2 [Meleager]; Plutarch, *Aratus* 23.6, citing a saying of Persaeus the Stoic datable to 243 BC; Aristaenetus, *Letter* 1.4.4; Julian, *Against Heraclius the Cynic* 9.25 and *Misopogon* 22.2). They are likely to be poetic in origin.

3 The known examples are *IG* i^3 1361 (gravestone for a woodcutter), xii(3) 536 (rock-cut erotic graffito), *SEG* 29.77 ("speech-bubble" on vase painting), 36.114 (cup graffito).

4 These figures are based on those given in *TLG*; that for Hypereides includes the fragments of the speech *Against Diondas* published by Carey et al. 2008 from the Archimedes palimpsest.

	Wordage (thousands)	Informal oaths	Per 1000 words
Satyr-drama		**7**	
Sophocles		1	
Euripides		6	
Comedy		**682**	
Aristophanes	110	589	5.35
Epicharmus		6	
Pseudepicharmea		1	
Eupolis		11	
Cratinus		2	
Other Old Comedy		14	
Antiphanes		15	
Alexis		11	
Other Middle Comedy		25	
Anonymous fragments		3	
Elegy and iambus		**4**	
Theognis		1	
Ananius		1	
Anonymous fragments		2	
Oratory		**248**	
Antiphon[5]	22	2	0.11
Andocides[6]	18	1	0.06
Lysias[7]	64	4	0.06
Isocrates	125	0	0.00
Isaeus	33	11	0.33
Demosthenes[8]	309	196	0.63

5 Both of Antiphon's informal oaths are in fragmentary works; none is in the three speeches preserved complete or in the *Tetralogies*.

6 The one instance occurs in a political speech (3.15), and is an early example of the use of νὴ Δία to introduce words attributed to an imaginary opponent (see ch. 9, pp. 233–7).

7 There are no informal oaths in lawcourt speeches written by Lysias himself. Three are found in the speech *Against Andocides* (Lysias 6), which is certainly by another (though contemporary) hand, and the fourth is in the strange speech *Against Fellow Members of a Club* (Lysias 8), which may also be spurious and was in any case written for delivery (or as if for delivery) at a private meeting.

8 The figures for Demosthenes include six informal oaths in the seven speeches in the corpus (46, 47, 49, 50, 52, 53, 59) which are generally ascribed to Apollodorus son of Pasion (see Trevett

Aeschines	46	21	0.46
Hypereides	22	6	0.27
Lycurgus	15	2	0.13
Deinarchus	19	5	0.26
Philosophical dialogue		**508**	
Plato[9]	583	288	0.49
Xenophon (dialogues)[10]	72	219	3.04
Antisthenes		1	
History		**17**	
Herodotus	189	0	0.00
Thucydides	153	0	0.00
Xenophon (Hell. & Anab.)[11]	126	17	0.14
All others		0	
Other prose		**96**	
Xenophon (Cyropaedia &c.)[12]	119	93	0.78
Anaximenes[13]		1	
Aristotle[14]		2	
All literary texts		**1562**	

1992, 50–76). These speeches contain about 30,000 words, so Apollodorus' frequency is only 0.20 per thousand words.

9 The frequency of informal oaths varies fairly widely among the dialogues, but in those generally acknowledged to be late (*Parmenides*, *Sophist*, *Politicus*, *Philebus*, *Timaeus*, *Critias*, *Laws*, *Epinomis*) it drops off drastically; these eight works, with some 213,000 words, contain only eight informal oaths (0.04 per thousand words), whereas no genuine dialogue outside the group has a frequency lower than 0.29 per thousand (*Symposium*). The dialogues generally regarded as spurious (*Alcibiades I* and *II*, *Hipparchus*, *Rivals*, *Theages*, *Hippias Major*, *Cleitophon*, *Minos*) have a markedly high frequency of informal oaths (fifty in 38,000 words, or 1.32 per thousand). If both these groups are disregarded, the average frequency for the genuine early and middle works is 0.69 per thousand.

10 The *Memorabilia*, *Oeconomicus*, *Symposium*, *Apology*, and *Hiero*.

11 All 17 informal oaths occur in the quoted words of characters (three of them in speeches by Xenophon himself in the *Anabasis*).

12 This covers all works in the Xenophontine corpus not included under "Philosophical dialogue" or "History". Of the 93 informal oaths, all but two occur in the *Cyropaedia*: there is one in the indignant fourteenth chapter of the *Lacedaemonian Constitution*, and one in a quoted remark in *Agesilaus* (5.5.6). The ratio for the *Cyropaedia* is 1.13 per thousand, for the other works 0.05.

13 The one informal oath in the so-called *Rhetorica ad Alexandrum* comes from a snatch of imaginary dialogue in an imaginary court case.

14 Both of Aristotle's informal oaths are in the *Politics*.

It is clear from this evidence that the informal oath is overwhelmingly a conversational phenomenon. Its natural home is in the literary genres that imitate conversation – comedy (and, to a limited extent, satyr-drama), dialogue (especially the dialogues of Xenophon, which rarely slip, as Plato's so often do, from colloquy into exposition), and reported conversations in narrative works (though, as was noted in §5.1 [pp. 80–1 n.18], they are entirely avoided in Herodotus, who often reports conversations, just as much as in Thucydides who hardly ever does). In oratory, these oaths first make a significant appearance in Isaeus, and remain relatively frequent in orators of the next generation, especially Demosthenes;[15] they are particularly common in political (as opposed to forensic) speeches (43 in 46,000 words, or 0.97 per thousand). In all other forms of literature informal oaths are very rare.

In all genres, except where our sample is very small, the overwhelming majority of informal oaths invoke the name of Zeus. The greatest variety is found in comedy, where we find oaths by the following powers: Aglaurus (1), Aphrodite (15), Apollo (31), Artemis (10), Asclepius (1), Athena (1),[16] Castor (1), Demeter (25), Demeter and Kore ("the two goddesses") (20), Diocles (an Eleusinian and Megarian hero) (1), Dionysus (16), Ge (6), "the gods" (27),[17] the Graces (1), Hecate (8), Helios (1), Hephaestus (1), Heracles (5), Hermes (7), Hestia (2), Kore (1), the Nymphs (1), Pandrosus (1), Poseidon (28), the Twin Gods[18] (12), Uranus or Heaven (8), multiple gods (10),[19] unspecified (1),[20] non-divine objects (11),[21] making a total of 253 or 37% of all informal oaths in comedy.

In other genres the figures are as follows:

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15 The orators often use νὴ Δία to introduce the words of an imaginary opponent; for this technique see ch. 9.

16 Remarkably rare, particularly in comparison with the usage of the orators. Was it deliberately avoided? In the only instance (Ar. *Peace* 218) the speaker is another god (Hermes), not speaking in his own name but quoting the words of a typical Athenian on a past occasion.

17 Including one oath by "the twelve gods" (Ar. *Knights* 235), and one by "the gods and goddesses" (Anaxandrides fr. 2).

18 Castor and Pollux (when used by Spartans) or Amphion and Zethus (when used by Thebans).

19 Some of these are combinations like those found in the orators (Zeus and the gods; Zeus and Athena; Zeus, Apollo and Demeter; Athena and the gods); three are quotations or parodies of the tragic (or satyric) line μὰ γῆν, μὰ κρήνας, μὰ ποταμούς, μὰ νάματα (*trag. adesp.* 123a). Socrates is made to swear by a trinity of scientific "deities" (Ar. *Clouds* 627).

20 μὰ τόν (Ar. *Frogs* 1374).

21 Air (Ar. *Clouds* 667), the almond tree (Eupolis fr. 79), the battle of Marathon (Eupolis fr. 106), cabbages (three times), the coming day (Ar. *Eccl.* 105), the dog (Ar. *Wasps* 83), the kestrels (Ar. *Birds* 1335). Paphlagon-Cleon is made to swear by the privileged seating (*proedria*) that he was

Orators: Athena (4), Demeter (2), Dionysus (1), "the gods" (36),[22] Heracles (4), Poseidon (1), multiple gods (23),[23] the heroic dead (1);[24] total 72, or 29% of all informal oaths in these authors.

Xenophon: Apollo (1),[25] "the gods" (16), Hera (12 or 13),[26] Mithras (1 – a Persian), the Twin Gods (2 – both Spartans); total 32 or 33, making 10% of all informal oaths in Xenophon.

Plato: Ammon (1),[27] the Dog (14),[28] "the gods" (17),[29] Hera (7),[30] Poseidon (1),[31] Zethus (1),[32] unspecified (1);[33] total 42, making 15% of all informal oaths in Plato.

Satyr-drama: none.[34]

Other poetry: Cadmilus (1);[35] non-divine objects (2).[36] All three are in iambic verse – two of them certainly, and the third possibly, in choliambics, the less dignified variant of a verse-form that was not considered very dignified in any case.

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awarded after his victory at Pylos (Ar. *Knights* 702), and the Sausage-seller by the punches and knife-slashes he suffered as a boy (*ibid.* 411–2). On oaths of this type generally, see §5.3.

22 Including three oaths by "the gods and goddesses" and one by "all the Olympian gods".

23 The most frequent combinations are "Zeus and the gods" (12) and "Zeus and Apollo" (6); others are Zeus-Apollo-Athena (2), Zeus-Apollo-Demeter (2), and "Heracles and the gods" (1). It is striking that Apollo, who in comedy figures alone in informal oaths more often than any other god except Zeus, never does so at all in the orators.

24 In Dem. 18.206–8, quoted at the end of this chapter.

25 *Symp.* 4.27; the speaker is Charmides.

26 On eight of these occasions the speaker is Socrates, and on two more it is another member of his deme of Alopeke; see the Appendix to this section.

27 *Politicus* 257b; the speaker is Theodorus of Cyrene, near which Ammon's famous oracle was located, and he describes Ammon as the god of his country (τὸν ἡμέτερον θεόν).

28 The speaker is invariably Socrates; see §5.3.

29 Once "gods and goddesses" (*Symp.* 219c, spoken by Alcibiades); see above, p. 315 n. 2.

30 On six of these occasions the speaker is Socrates, and on the seventh (*Laches* 181a) it is another member of the Alopeke deme; see the Appendix to this section.

31 *Symp.* 214d; the speaker is Alcibiades.

32 Zethus, together with his brother Amphion, built the walls of Thebes. The speaker, Socrates, himself explains that he is alluding to Callicles' exploitation of a speech by Zethus in Euripides' *Antiope* to condemn Socrates and philosophy (*Gorgias* 484e–485d).

33 μὰ τόν (*Gorgias* 466e).

34 The extremely elaborate oath by Poseidon and six other powers associated with the sea which Silenus uses to affirm (falsely) that he was not trying to sell the Cyclops' property to Odysseus and his companions (Eur. *Cycl.* 262–9) is not an "informal" oath, since it includes a verb of swearing (ἀπώμοσ' 266) and an explicit imprecation against the swearer's children (268–9).

35 Hipponax fr. 155b West. Cadmilus or Casmilus was a divinity (sometimes identified with Hermes) associated with (according to some, one of) the "Great Gods" (Cabeiri) of Samothrace; see Acusilaus fr. 20 Fowler, Nonnus 4.88, Σ Ap.Rh. 1.917, Σ Lycophron 162, 219.

36 Cabbage (Ananius fr. 4) and poppy leaves (*iamb. adesp.* 57).

Other prose: "the gods" (1).[37]

Inscriptions: Apollo (1), Heracles (1).

In literary texts of all kinds there are thus 403 or 404 informal oaths which are not simply "by Zeus", amounting to 26% of the total number of informal oaths; the most common of such oaths are those by "the gods" (97), Apollo (32) and Poseidon (30), but all the major Olympians are represented with the exception of Ares, as are many other gods, some heroes, a number of non-divine objects, and even an aposiopesis (μὰ τόν). Frequently (33 times), especially in the orators, two or more gods would be invoked in a single oath; on 26 of these occasions (79%) Zeus is among the gods named.

As has sometimes been noted above, informal oaths can make handy markers of ethnicity. We almost always see this phenomenon from the Athenian point of view, so we do not know whether there was a stereotypical oath by which other Greeks identified Athenians in their literature or their jokes. But we find Spartans swearing by their "Twin Gods", Castor and Pollux, usually in the easily recognizable form ναὶ τὼ σιώ, or occasionally by Castor alone; Thebans by their own twin gods, Amphion and Zethus, or by Heracles (a native of Thebes) and his nephew and assistant Iolaus, or with the heavily dialect-marked formula ἴττω Δεύς; a Megarian by the local hero Diocles, a Cyrenaean by Ammon, a Persian by Mithras, and perhaps a Sybarite woman by Kore[38] (Ar. *Wasps* 1438).

Much richer, though only from comedy, is the evidence for gender differentiation in the use of informal oaths. Of the gods and goddesses invoked in comic oaths, the great majority are used either by men only or by women only, though a few (including the ubiquitous Zeus) are available to both.[39] The patterns are as follows:[40]

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37 [Arist.] *Rhet. ad Alex*.15.7.2–3.

38 "Perhaps", because although the Doric dialect form (ναὶ τὰν Κόραν) is appropriate for a Sybarite, the choice of Kore as the oath-goddess may merely be appropriate for a woman. It is striking, however, that the other two instances in which Kore alone is invoked in oaths are also in non-Attic dialects. In Epicrates fr. 8 the speaker is quoting the words of a procuress who swore by τὰν Κόραν, τὰν Ἄρτεμιν, τὰν Φερρέφατταν that the girl she was apparently trying to palm off on him was a virgin (she was evidently flustered enough to forget that Kore and Pherrephatta were one and the same). In Herodas 1.32 (οὐ μὰ τὴν Ἄιδεω Κούρην) the speaker (location uncertain, but most likely in a city of Asia Minor or the Aegean islands under Ptolemaic rule) uses an artificial and slightly inaccurate form of Ionic based on the language of Hipponax.

39 For discussion of these phenomena in the broader context of differences in the language used in speech by, and in speaking to, males and females in Attic Greek, see Sommerstein 2009, 18–21 (first published 1995).

40 One or two deities are omitted from the table because no passage survives in which the gender of the speaker is clear: Hestia (Eubulus fr. 60, Antiphanes fr. 183), the Nymphs (Eupolis fr. 84).

	Gods	Goddesses
Exclusively male	Dionysus	Athena
	"The gods"[41]	Demeter[42]
	Helios	Ge
	Hephaestus	Graces[43]
	Heracles	[Hera][44]
	Hermes	
	Poseidon	
	Uranus (Heaven)	
Exclusively female		Aglaurus
		Aphrodite[45]
		Artemis
		Demeter and Kore
		Hecate
		Kore
		Pandrosus
Open to both sexes	Apollo[46]	
	Castor and Pollux (Spartan)	
	Zeus[47]	

41 In New Comedy (i.e., probably, in the early Hellenistic period) there are two possible instances of a woman swearing thus: Menander, *Dis Exapaton* 95 (where, however, the speaker is a man imagining what a woman will say to herself, and *may* have got the oath wrong) and *com. adesp.* 1117.4 (where it is likely, but not certain, that the speaker is the Philotis who was addressed in the previous line).

42 That is, Demeter *alone*, without her daughter. By the second half of the fourth century, however, Demeter could be invoked by women (Antiphanes fr. 26; Philippides fr. 5; Men. *Epitr.* 955), though the formula they used was always νὴ (μὰ) τὴν φίλην Δήμητρα.

43 This, however, occurs only once (Ar. *Clouds* 773).

44 Oaths by Hera are not found in comedy; for their use (always by men) in Socratic literature, see the Appendix to this section. In tragedy (where, by definition, such oaths are not "informal"), they appear to be used only by women (*ibid.*)

45 Used by a man in Ar. *Thesm.* 254; but this is an exception that proves the rule, since he is at that moment donning a woman's garment.

46 This oath is often claimed to be exclusively male, but it is used by a woman in Ar. *Lys.* 917 and probably also at *Frogs* 508; see Sommerstein 2009, 19–20 n.18 (first published 1995).

47 In Menander, women's oaths by Zeus, though they still occur, have become relatively rare: in the eighteen best preserved plays we find only *Georg.* 34, *Perik.* 757 and possibly, in an emphatic form (μὰ τὸν εὐμένοῦ[ντ]ο̣ μ[οι Διά], see Römer 2012, 118–20; *contra*, Furley 2013, 87–90), *Epitr.* 819.

This body of data may be said to show three basic patterns.

(1) There is an almost complete separation between the oaths proper to men and those proper to women. Indeed, by the time of Menander, only the oath by Zeus remains "unisex", and even that has become rare in the mouths of women (see note 47). Already in Aristophanes it is overwhelmingly men who swear by Apollo, and in his *Ecclesiazusae* (155–60) a woman, practising a speech she intends to make while disguised as a man, and ordered to correct a feminine oath (by Demeter and Kore) to a masculine one, substitutes an oath by Apollo. The Spartan oath by Castor and Pollux may be regarded as an exception that proves the rule: it is most unlikely that Aristophanes or most members of his audience had conversed with Spartan women or knew how they spoke,[48] and since he thus had no linguistic stereotype of the Spartan woman he simply used the same Spartan stereotype for both sexes. From about the middle of the fourth century both sexes could swear by Demeter, but they used different formulae (see note 42).
(2) With the exceptions already noted, oaths by male gods are used exclusively by men.
(3) Oaths by goddesses are usually in comedy reserved for women, but there are important exceptions, especially Athena, Demeter (when named alone) and Ge. One can only guess why these oaths were considered masculine. Athena was of course a particularly male-oriented goddess, indeed a warrior, and will certainly have been invoked in oaths of office taken on the Acropolis by the highest officials of the state.[49] Demeter too was named in official oaths taken by men, notably that of the jurors.[50] But one can think of no plausible reason why Ge, traditionally the oldest of all gendered beings whatsoever, should be a divinity for men alone to swear by; and it may reasonably be suspected that chance and arbitrary habit played a considerable role in determining what was permitted and what forbidden in this area.

In two comedies of Aristophanes, *Thesmophoriazusae* and *Ecclesiazusae*, characters disguise themselves as members of the opposite sex. In *Thesmophoriazusae* the elderly in-law of Euripides (nameless in the text itself, but labelled Mnesilochus in the scholia and in marginal speaker-indications) is dressed up

48 Nor could he learn this from literature, since there was no Spartan poetry (or at least none in general circulation) of a kind that would be likely to contain informal oaths typical of ordinary conversation and placed in the mouths of women.
49 Cf. [Arist.] *Ath.Pol.* 55.5 (the nine archons).
50 Cf. the text of this oath cited in Dem. 24.151 (see S&B §5.4).

as a woman in order to infiltrate the all-female festival of the Thesmophoria, and does so successfully until he is unmasked[51] (279–651). In *Ecclesiazusae* the heroine, Praxagora, and a large number of other women (including the chorus of the play) disguise themselves as men, with false beards, to gain entrance to an Assembly meeting; the meeting itself takes place offstage, but there is an onstage dress rehearsal (129–240), the women depart for the Pnyx singing "like old men from the countryside" (285–310, cf. 277–9), and on the way back they keep up the masquerade until they are sure it is safe to end it (478–503). In a strongly gender-marked language it is always a challenging task to speak like a member of the other sex, and it is not surprising to find informal oaths being used to highlight competent or incompetent masquerading.

Euripides' in-law in *Thesmophoriazusae* gets away with it completely, until he is cornered as a result of a tip-off coming from outside. He says many things which the other women find very offensive, but always in language that a woman might use. For a long time he does not use any informal oaths at all, but just at the end of his major speech (517), and again in the course of a fierce quick-fire argument (569) he swears correctly by Artemis.[52] In *Ecclesiazusae*, there is a marked contrast between Praxagora – the highly intelligent leader of the women, who moreover has been able to listen to many Assembly speeches when she lived on or close to the Pnyx as a refugee (243–4) – and her colleagues. In her speech of more than sixty lines at the dress rehearsal (170–240 – there are some interruptions) Praxagora plays safe by using no informal oaths whatever (and likewise manages to avoid using any gendered word to refer to herself). The other women, for their part, make all sorts of blunders: not only are they, in accordance with a standard comic stereotype about women, incapable of thinking for long about anything except drink (132–43, 153–5), but they swear by the Two Goddesses (155) and Aphrodite (189), and address the Assembly as "ladies" (165). They eventually learn enough to be able to interject appropriate short remarks in praise of the speaker (203, 213), but even after that they once refer to themselves in the feminine gender (297). It is not surprising that at the Assembly itself, as we are told by a man who

51 When he forgets that a woman would not urinate into the type of vessel called a *(h)amis* (633–4). He would not even have come under suspicion had not the women been warned that there was a spy in their midst (574–602); attention then quickly focuses on him because he is the only person present whom the others do not know (614).

52 He also appeals to (but does not swear by) the Two Goddesses (Demeter and Kore) when trying to persuade the women to disregard the report that their meeting has been infiltrated by a man (594). All his other informal oaths (552, 555, 567, 615, 623) are by Zeus, the "unisex" oath-god, who is also during the period of his masquerade invoked in informal oaths by two of the real women (609, 640).

was there, only Praxagora ("a good-looking, white-faced young man") made a speech (427–54); neither she nor the other women aroused any suspicion.[53]

One might expect that informal oaths would often be expressed on a "horses-for-courses" principle, with the god (or non-divine object) being chosen for its appropriateness to the speaker, the addressee or the subject-matter. This is so only to a limited extent.[54] Among divinities, the only one for whom such an effect can be found with any frequency is Aphrodite: of fifteen informal oaths by her in comedy, eight are uttered in a sexual or erotic context.[55] In addition, Socrates' unusual oath by the Graces (Charites) in Ar. *Clouds* 773 may be designed to express his enthusiasm for Strepsiades' ingenious (*kharien*) solution to the problem that had been posed to him;[56] and the oath by Dionysus in Ar. *Wasps* 1474 introduces a description of Philocleon's *drunken* behaviour, which includes the performance of archaic *tragic dances*. Otherwise, all we find is a thin scattering of passages in which an informal oath names a god with whom the speaker[57] or the addressee[58] has some special association.

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53 The meeting was unusually crowded, much to the annoyance of those who arrived after the quorum was filled and so did not get their attendance fee (380–93), but the men assumed that this was because of the exceptionally important business on the agenda (394–7) which could be expected to attract many who would not normally attend.

54 On at least two occasions in comedy informal oaths are used which are deliberately made highly *inappropriate* to the speaker or the situation: in Ar. *Birds* 1236–7, where Peisetaerus tells Iris that humans are in future to sacrifice to the birds "and not to Zeus, by Zeus!", and *ibid*. 1614 where Poseidon, commenting on a speech by Peisetaerus, remarks "By Poseidon, that's well said!" Compare also *com. adesp.* 1062.12 where Rhea, in a speech complaining about her husband Cronus's habit of eating up his children (or rather of selling them and eating up the proceeds), emphasizes a statement with μὰ τὸν Δί' at a time when Zeus (the child who avoided being swallowed) cannot yet have been born! On "horses-for-courses" oaths more generally, see §6.1.

55 Ar. *Lys.* 554, 855–8, 939; *Thesm.* 254; *Eccl.* 981, 999–1000, 1008; *Wealth* 1067–9.

56 There are two passages in tragedy where an oath introduced by νὴ or μὰ names a divinity seemingly chosen for its appropriateness to the oath's content. In Aeschylus' *Agamemnon* (1431–6; see §5.3.2) Clytaemestra, shortly after murdering her husband (partly in revenge for his having sacrificed their daughter Iphigeneia), swears "by the fulfilled Justice that was due for my child, by Ruin and by the Fury, through whose aid I slew this man" that she has no fear (sc. of any counter-revenge) while she has the protection of her lover Aegisthus; and in Sophocles' *Electra* (881–2) Chrysothemis, bringing the news of Orestes' return from exile and finding that her sister Electra will not believe it, swears to its truth "by our father's Hestia [or hearth]" – the goddess of the home of which Orestes is the rightful master (as already indicated by Clytaemestra's dream, narrated earlier [417–23] by Chrysothemis to Electra, in which the hearth figured prominently).

57 Ar. *Clouds* 519 (Dionysus, whose nursling the poet claims to be); compare, in serious poetry, Eur. *IA* 948–54 (Nereus, the speaker's maternal grandfather).

58 Eur. *Cycl.* 262–9 (Poseidon, the Cyclops' father, and marine divinities and entities associated with him); Xenarchus fr. 9 (Dionysus – the addressee likes his wine strong); Pl. *Gorg.* 489e (the

There is a neat irony – unintended by the speaker – in the informal oath by Hermes at Ar. *Eccl.* 445. Blepyrus, commenting on Chremes' report of an Assembly speech by an unknown young man (who was in fact Blepyrus' wife Praxagora in disguise) in which it was said that women could be relied on to keep confidential information secret, whereas men serving on the Council were leaking secrets all the time, remarks "And, by Hermes, that was no lie he told!" Hermes, as we have seen (§7.3.3), was the divine patron of deception, a great liar and the archetypal tricky swearer – so at first sight it might seem inappropriate for him to be invoked to confirm a statement that someone was *not* lying; but the cream of the joke is that while the speaker may well have been telling the truth about the behaviour of Council members, he (or rather she) was getting away with a much bigger lie about her own identity – a lie, moreover, which was itself evidence of the *truth* of her statement that women were good at keeping secrets!

Non-divine entities invoked in informal oaths, being often chosen *ad hoc*, are proportionately more likely to have a contextual relevance (cf. §5.3.1), though the absolute number of instances is again small. In Aristophanes' *Knights*, the Sausage-seller swears (411–13) that he will surpass his rival Paphlagon in shamelessness "by the fists whose blows I've borne many on many a time from a child up, and by the slashes of butchers' knives" – in other words, by the gutter upbringing that has *made* him the shameless villain he is; and later Paphlagon affirms his superiority to the Sausage-seller by swearing "by the privileged seating that Pylos has won for me" that he will destroy him (702). In his *Ecclesiazusae* (105–8) Praxagora emphasizes her statement that the women's objective in taking over the state is to save it from ruin by adding an informal oath "by the light of this dawning day" – the day on which the *coup d'état* is to take place, but also the metaphorical new light that it will bring to Athens.[59] Two characters in comedy swear by non-divine entities peculiarly appropriate to themselves: the Hoopoe (formerly Tereus) in Aristophanes' *Birds* (194–5) swearing by "snares, traps and nets", and Miltiades (returned from the underworld) in Eupolis' *Demes* (fr. 106) swearing by "my battle at Marathon".

Mention of Marathon appropriately leads us to perhaps the most sonorous and most noble of all the informal oaths in surviving Greek literature, one which

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hero Zethus, recently quoted by the addressee, Callicles, in disparagement of philosophy); compare, in serious poetry, *Iliad* 1.86–91, where Achilles swears by Apollo to protect Apollo's prophet Calchas against anyone, even Agamemnon (see §8.1, pp. 213–5]).

59 A comparable passage in tragedy is Eur. *Hipp.* 304–10 where Phaedra's nurse tells her mistress that if she insists on ending her life it will result in the disinheritance of her children, and swears this "by the horse-riding Amazon queen", the (deceased) mother of their likely supplanter, Phaedra's bastard stepson Hippolytus.

needs no commentary here[60] and with which this section may appropriately conclude.

> If I were venturing to say that it was I who induced you to think thoughts worthy of your ancestors, every one of you would be entitled to resent it. But in fact I am only making plain to you your own preferences, and showing that our city upheld these principles even before my time; what I did was to take part in the service of applying them to particular situations. But this man [Aeschines] denounces the entire policy and urges you to be hostile to me because I have been responsible for bringing the city into fear and danger. He is keen to rob *me* of honour in the immediate present; but what he is actually doing is robbing *you* of praise that will endure for all future time. If you convict this man here [Ctesiphon] on the ground that my policy was not the best, you will be thought, not to have suffered what befell you through the harshness of fortune, but to have made a blunder. But there is no way, no way that it was a blunder, men of Athens, when you took it on yourselves to run risks on behalf of the freedom and safety of all, *I swear it by your ancestors who took the foremost place of danger at Marathon, and those who stood in the line at Plataea, and those who fought in the sea battles at Salamis and Artemisium, and the many other brave men who lie in the public tombs* – to all of whom alike, Aeschines, the city gave a public funeral, holding them worthy of the same honour, not just to those among them who were successful or victorious. (Demosthenes 18 [*On the Crown*] 206–8)

Appendix: swearing by Hera[61]

Both in Plato and in Xenophon, Socrates is represented as having the unusual habit of reinforcing some of his utterances with an informal oath by Hera. He does this six times in Plato[62] and eight times in Xenophon;[63] as Dodds noted,[64] in Plato this oath "always accompanies expressions of admiration", and with one exception (*Mem.* 1.5.4) this is true of the Xenophontic Socrates as well. We can safely assume that this was a habit of the historical Socrates – one that was imitated, indeed, by another of his pupils, Aeschines of Sphettus (D.L. 2.83). It was a very unusual one, and no convincing explanation of its origin has ever been given. Oaths of the form νὴ τὴν Ἥραν or μὰ τὴν Ἥραν are otherwise extremely

60 Some remarks will be found in §5.3.3.

61 The following discussion is adapted from Sommerstein 2008b.

62 *Apol.* 24e; *Hipp.Maj.* 287a, 291e; *Gorg.* 449d; *Phdr.* 230b; *Tht.* 154d.

63 *Mem.* 1.5.4, 3.10.9, 3.11.5, 4.2.9, 4.4.8; *Oec.* 10.1, 11.19; *Symp.* 4.54. In addition Xenophon makes Socrates, in reasserting his innocence after his condemnation, draw attention (*Apol.* 24) to the fact that "it has not been proved that I sacrifice to any new divinities, *or swear by* or recognize any other gods in place of Zeus *and Hera* and the gods associated with them".

64 Dodds 1959, 195 (on *Gorg.* 449e).

rare, occurring (as we shall see) only three times in all of Greek literature other than Plato and Xenophon;[65] with the exception of Ares, Hera is the only one of the thirteen principal divinities[66] who is never invoked in an oath in any surviving comic text or fragment[67] – an absence which I described, some years ago, as "a mystery … [since] comedy … is not deficient in expressions of admiration and wonderment".[68]

Was this just a personal mannerism of Socrates? Was he, as Dodds thought, adapting what was "normally a woman's oath",[69] and if so what might be the significance of this? Or was the oath by Hera, contrariwise, as Parker has claimed, a "male oath"[70] – as we have seen some other oaths by goddesses were, for example those by Athena and Demeter?

Now in Plato and Xenophon there are persons other than Socrates who swear by Hera – all of them, again, when expressing admiration. Four of these are characters in conversations also involving Socrates. They are Lysimachus, son of the famous Aristeides, in Plato's *Laches* (181a); Callias son of Hipponicus, and his brother Hermogenes, in Xenophon's *Symposium* (4.45, 8.12); and, in the same work, Lycon, the father of Autolycus. Of these, only Hermogenes is ever regarded as a close associate of Socrates[71] – Lysimachus, indeed, is portrayed as never having met him for many years[72] – so they cannot be supposed to have all

65 In Eur. *IA* 739, however, Clytaemestra swears μὰ τὴν ἄνασσαν Ἀργείαν θεάν ("by the Queen, the Argive goddess", i.e. Hera), and we may therefore assume that in the oath μὰ τὴν ἄνασσαν "by the Queen", quoted by the Euripidean Hermione (*Andr.* 934) from the lips of her (Phthian) women friends, the ἄνασσα is likewise Hera, an appropriate goddess for married women to invoke. *PMG* 960, where someone swears "by sceptre-bearing Hera who looks down from Olympus" that he/she has "a reliable guard-house on my tongue", may well be tragic too – a female chorus assuring some hero(ine), possibly Procne in Sophocles' *Tereus*, that they can be depended on to keep a secret; see Sommerstein 2010b and Sommerstein & Talboy 2012, 263–4.

66 That is, the Twelve Gods with the customary uncertainty as to whether Hestia should be reckoned as one of them (as in Pl. *Phdr.* 247a, where without her the gods number only eleven) or whether (as on the Parthenon frieze) Dionysus should take her place.

67 Parker 2005a, 270 n.2, ascribes the absence of this oath to metrical difficulties; but νὴ τὴν Ἥραν, while unsuited to iambics, could easily appear in anapaestic tetrameters (of which there are nearly 1200 in the surviving plays of Aristophanes alone), and μὰ τὴν Ἥραν fits perfectly into positions 3–6 of an iambic trimeter (the line would have no caesura, but none is needed in comedy).

68 Sommerstein 2009, 21 n.19 (first published 1995).

69 Dodds 1959, 195.

70 Parker 2005a, 270 n.2.

71 He was one of those who were with Socrates on the last day of his life (Pl. *Phd.* 59b) and is a dialogue participant in Plato's *Cratylus*.

72 Cf. *Lach.* 180d–181a, 187d–e.

picked the habit up from him. Do they, then, have anything else in common with Socrates?

Three of them certainly do. Lysimachus, as he himself points out, was a member of the same Attic deme as Socrates[73] – that of Alopeke, located just outside the city walls to the south-east, across the Ilissus from the unfinished temple of Zeus Olympios;[74] so too, we happen to know, were Callias and Hermogenes. That, of course, does not necessarily mean that they *lived* in the deme; indeed, the homes of Socrates[75] and of Callias (the latter is the setting for Xenophon's *Symposium*, and also for Plato's *Protagoras*) were certainly within the city itself. However, it does mean that their recent forebears (Lysimachus' father; Socrates', Callias' and Hermogenes' paternal grandfathers) had lived in Alopeke in 508/7 BC, and that would not be too long ago for a linguistic habit once typical of the village to maintain itself among its former inhabitants and their descendants, particularly since these retained a strong corporate identity and met periodically at deme assemblies and festivals.[76]

What of Lycon? We do not know for certain what deme he belonged to. Considerable confusion has been caused by the Platonic scholiast[77] who identified the father of Autolycus with Lycon of Thoricus, one of those who prosecuted Socrates in 399 BC. Storey (1985, 322–4) showed that this was merely an irresponsible guess and that Autolycus' father and Socrates' accuser must be different men; there is thus no evidence that Autolycus and his father belonged to the deme of Thoricus. There is equally, of course, no evidence that this Lycon was a member of any *other* particular deme, let alone that he was of Alopeke. And there is a ready alternative explanation for his use of the expression νὴ τὴν Ἥραν. By the time he uses it, he has heard other men at the party do so – Callias, Hermogenes and Socrates himself; and since the time when Callias first used this oath, no one else has used any oath-expression naming an individual god, except for the commonplace oaths by Zeus that peppered every Athenian conversation. Perhaps, then, we are meant to suppose that Lycon has noticed that νὴ τὴν Ἥραν seems to be in vogue as a formula for introducing expressions of admiration –

73 *Lach.* 180d. Socrates' deme is named as Alopeke in Pl. *Gorg.* 495d; Aristeides' in Plut. *Arist.* 1.1 and on the ostrakon *Ath.Agora* xxv 34; Callias' (and therefore Hermogenes' also) is known from a fourth-century inscription (*Ath.Agora* xix P26.455) naming a Ἱππόνικος Καλλίου Ἀλωπεκ., doubtless his son.

74 See Traill 1974, 53.

75 Who, according to Phaedrus in Pl. *Phdr.* 230d, never normally went beyond the city walls.

76 Cf. Pl. *Lach.* 187e (which, admittedly, implies that Socrates as an adult had rarely if ever attended such gatherings), and see Whitehead 1986 (esp. 86–120, 176–222).

77 Σ Pl. *Apol.* 23e.

and he duly follows this fashion. Alternatively (and perhaps preferably), he may simply be aping his very rich host Callias.

I suggest, therefore, that the habit of swearing by Hera, especially when expressing admiration, was essentially a local phenomenon characteristic of Alopeke (and perhaps, as we shall see, of one or two other demes in its immediate neighbourhood). It will have been well established in the village by the late sixth century, and maintained itself among the inhabitants and their descendants for at least the next hundred years.[78] Perhaps it became to some extent known to outsiders as a feature of Alopekean speech, which would explain how Plato and Xenophon managed, between them, to put it in the mouths of four Alopekeans (including Socrates) and only (at most) one member of any of Attica's 138 other demes; but it is also possible that it was perceived at the time merely as a peculiarity of particular individuals and families (such as those of Callias, who was a prominent public figure, and of Lysimachus, whose son Aristeides, a one-time associate of Socrates,[79] will certainly have been known to Plato). Socrates, at any rate, used this oath-formula so frequently that it became strongly associated with him in particular, and from him it passed to some of his pupils and admirers who had no connection with his deme, such as Aeschines of Sphettus (as we have noted) and also Xenophon, who puts it into the mouth of at least one, and possibly two, characters in his *Cyropaedia*.[80] After that it disappears, to resurface only once, many centuries later, in a letter of Aristaenetus[81].

Why Alopekeans in particular should have developed a tendency to swear by Hera we do not know. We do know, however, that this is not the only evidence that Hera enjoyed a special position in this deme. Hera was not, in general, a popular goddess in classical Athens,[82] and her name is not in that period a common formative element for Athenian names. Sean Byrne's *Athenian Onomasticon*[83]

78 But probably not all Alopekeans used it. Socrates' close friend Crito, and therefore also his son Critobulus, were members of the deme (Pl. *Apol.* 33d–e); the father appears frequently in Plato, the son in Xenophon, but neither is ever represented as swearing by Hera.

79 Pl. *Tht.* 150e–151a.

80 Xen. *Cyr.* 8.4.12, and perhaps also 1.4.12, where only one of the three main groups of mss. (*y*) reads μὰ τὴν Ἥραν, the rest having μὰ τὸν Δία: *y* is not uncommonly right alone, and the reading of the other families looks like a banalization, but on the other hand this would be the only passage in Plato or Xenophon in which Hera figures in a *negative* oath.

81 Aristaenetus *Epist.* 1.19.1.

82 "All the functions belonging to a poliadic deity which Hera exercises in Samos or Argos are swallowed up in Attica by Athena. None of the other optional extensions of Hera's powers seems here to have been made, either … . She is reduced to her smallest possible extent" (Parker 2005a, 441).

83 http://www.seangb.org/ (updated 1 January 2014).

lists only five male Athenians living before 300 BC, and whose deme affiliation is known, bearing names that incorporate hers:[84] one each named Heracleitus (#21), Herodotus (#8), Herodorus (#4), Herotheus (#1) and Heroscamandrus (#2). And of these five, two come from Alopeke[85] and two more come from small demes (Diomeia and Otryne) which probably or possibly lay close to it.[86] Even leaving aside the latter pair, and given that Alopeke, which supplied ten of the 500 Athenian councillors,[87] may be presumed to have had about two per cent of the Athenian citizen population, it can be calculated that the odds against there being, by pure chance, two or more Alopekeans in a random sample of five Athenians are about 250 to one ($p = 0.004$).

We do not know what it was about the communities of this little patch of suburban Attica that made them take this special interest in Hera, but there must have been something. The most plausible speculation would be that Hera had a locally significant cult centre in the Alopeke deme, as she is known to have had, for example, at Erchia[88] and at Tricorythus.[89] What we do know is that the Alopekeans must have felt they had *some* kind of special relationship with Hera, and that this relationship had an impact on the language they spoke, furnishing us with an interesting example of an oath-related dialect feature associated very specifically not just with a single *polis*, but with a small subpart of one.

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84 I leave out of account names which are derived, or compounded, from that of Heracles. I also omit the Herodorus of *IG* i³ 1018 (tentatively assigned by the inscription's first publisher, and by Byrne, to Rhamnus), since it is unsafe, especially in an inscription from the end of the sixth century, to draw any inference about a person's deme affiliation from the mere *absence* of a demotic.

85 Heracleitus, *IG* ii² 5582; Heroscamandrus, *IG* i³ 1512. The latter name reappears in the deme several generations later (*IG* ii² 5553 [tombstone, mid third century] and 1706.50 [thesmothete, 225/4]; doubtless grandfather and grandson), and never in any other. Interestingly, it also features in a pseudo-Platonic dialogue (*Theages* 129a–c) where Socrates tells how, warned by his divine sign, he nearly prevented one Timarchus from taking part in the murder of "Nicias son of Heroscamandrus".

86 Herodorus of Diomeia (*IG* vii 315.1 and *SEG* xv 289.5); Herotheus of Otryne (*IG* ii² 7015). Sommerstein 2008b, 330 n.31 argues that there is no reason to reject the conventional location of Diomeia in the neighbourhood of the Cynosarges sanctuary and therefore also of Alopeke; Otryne was in the same tribe as Diomeia and probably located in the same area, since it is likely to have belonged to the city trittys (see Thompson 1969, 149; Schaps 1982). Both were very small demes, with only a single councillor each; if they were close to the large deme of Alopeke, they will probably have been very much under its influence. The fifth man is Herodotus of Aigilia (*IG* xii [6] 262, 329), a deme generally thought to lie on or near the south-west coast.

87 See Traill 1974, 22–3 and Table X.

88 See *SEG* xxi 541 I 6–11, II 32–9, III 38–41, IV 28–32.

89 R.B. Richardson 1895, 219 n.23.

13.2 How binding were informal oaths? The case of Aristophanes' *Clouds*[90]

Informal oaths seem to have been a ubiquitous feature of everyday Greek conversation, and one might well suspect that familiarity had so devalued them that they were felt to have little or none of the binding force that formal oaths possessed (for which see ch. 11). In the present section this question will be examined with particular reference to comedy. Comedy accounts, as we have seen, for nearly half of all the informal oaths in our data, and in our best preserved comic author, Aristophanes, they are nearly twice as frequent (per thousand words) as in any author in any other genre. Characters in comedy, moreover, are particularly prone to lie, deceive, or twist language, which makes comedy an excellent test bed for hypotheses about the extent to which oaths, formal or otherwise, genuinely guarantee the truth of a statement or promise. We shall focus principally, but not exclusively, on Aristophanes' *Clouds*, because this is a play in which the existence and power of the gods, and the validity of oaths, are explicitly brought into question.

I shall begin by briefly summarizing the plot of *Clouds*.[91] An elderly farmer (Strepsiades), who long ago foolishly married a woman of aristocratic birth used to a luxurious lifestyle, has been plunged heavily into debt by her and especially by their adolescent son (Pheidippides), a devotee of the very expensive pursuit of chariot-racing. He has the idea of sending his son to the Thinkhouse (*phrontistērion*) run by Socrates, so that he can be taught the skills of "unjust argument" which will enable him to help his father defeat the creditors when they go to court, but Pheidippides refuses to go.[92] Strepsiades, though very doubtful (with good reason) of his own intellectual potential, then decides to go to the Thinkhouse himself. He meets Socrates and asks to be taken on as a pupil, offering to "swear by the gods" to pay any fee he is charged (245–6); which prompts

90 This section is adapted from Sommerstein 2007.

91 That is, of *Clouds* as we have it. Two versions of the script were known in Hellenistic times; one was that which was produced, unsuccessfully, in 423 BC, the other – the one we possess – appears to have been partially revised with a view to being produced again (the incompleteness of the revision is shown by the survival of outdated topicalities and the absence of at least one choral song which would have made it impossible to stage the play without violating the rules of the comic competition). See Dover 1968, lxxx–xcviii; Sommerstein 1997 (with references to earlier studies); Casanova 2000.

92 Despite a threat by his father to expel him from the family home (121–3). The threat is backed by an informal oath (by Demeter), but Pheidippides ignores it and Strepsiades makes no attempt to implement it.

Socrates to explain that he and his disciples do not recognize the traditional gods – their gods are the Clouds, whom Socrates summons in a cletic prayer and who arrive to form the chorus of the play. After formally renouncing all worship of the traditional gods (423–6) Strepsiades enters the Thinkhouse, but proves far from an apt learner, and is on the point of being expelled with ignominy when the Clouds suggest that he might send his son to be taught in his place. Pheidippides this time allows himself to be persuaded into going to the school, is taught the new rhetoric and the new morality by the Unjust (or Worse) Argument in person, and emerges a "skilled sophist", able to win any argument however hopeless. It is, however, Strepsiades himself who then puts his creditors to flight by a mixture of half-understood remnants of his Thinkhouse training, ridicule, and violence; in the course of this he repudiates a former sworn promise to repay a loan (1224–9) and blithely offers to deny on oath that he owes the creditor anything (1230–5). The Clouds, in Strepsiades' absence, condemn his dishonesty (1303–20), and immediately afterwards he rushes out of his house complaining that his son has beaten him up. Pheidippides, making all too good use of his education, coolly sets out to prove that he had every right to attack his father, and reduces Strepsiades to silence and even acquiescence,[93] but he goes too far when he tries to appease his father by offering to beat up his mother as well. Strepsiades blames the Clouds for what Pheidippides has become, but they tell him it is his own fault for trying to evade his debts; he then takes revenge on Socrates by burning down the Thinkhouse, and the play ends with him chasing Socrates and his pupils away, crying "Chase them, hit them, pelt them … remembering how they wronged the gods!" (1508–9).

It is, at first sight, a paradoxical feature of the play that though all three of the major characters reject belief in the traditional gods during at least part of the play – and one of them, Socrates, is an unbeliever from beginning to end – they all nevertheless go on swearing informal oaths by these gods. Does this, in fact, mean that informal oaths were mere casual emphasizers which could be disregarded with impunity? And are there any criteria by which we can determine the degree of sanctity and significance to be attached to such an oath? It is not, of course, very likely that we will find there was a hard-and-fast categorization of oaths into those that counted and those that didn't; we will probably find ourselves dealing with a gradient, some informal oaths being more "casual", some

93 The acquiescence (1437–9) is dramatically weak and might well not have survived into the final script for the second performance, if there had ever been one; see Sommerstein 1982, 148 and 229.

more "serious", with all gradations between, and several factors tending to move an utterance towards one end or the other of the scale.

In *Clouds* there are forty-seven oaths that we actually hear being uttered by characters in the action of the play; there are also three references to oaths said to have been given in the past (533, 1135, 1227)[94] and two offers to swear an oath in the future (244–5, 1232–5). Of the forty-seven oaths actually uttered, no less than forty-six are "informal"; the odd one out is the creditor's vow to take legal proceedings against Strepsiades "or else may I not live" (1255). How can we attempt to determine the different degrees to which, if at all, these informal oaths were felt as solemn and binding?

We could, of course, look at the degree to which they actually influence the behaviour of those to whom they are addressed. This, however, will not get us very far. There are only two oaths in *Clouds* that clearly do (or rather did) influence the addressees' behaviour, and we do not actually hear either of them being uttered. One is the so-called oath (perhaps, in any case, best regarded as only a metaphorical one) by which the Athenian audience are said to have bound themselves when they gave a good reception to Aristophanes' first play (528–33); as the following words *nun oun* "now therefore . . ." indicate, the claim being made is that it is because of this "oath" that Aristophanes has chosen to write another play with an intellectual theme. The other is the oath, already mentioned, which Strepsiades gave when asking for his loan. Since the creditor, pressing for payment, reminds Strepsiades about this oath, he had evidently taken it seriously at the time, and we can reasonably assume that if Strepsiades had not sworn to pay, the loan would not have been made. But we are given no indication of how he expressed the oath. It may have been informal – if, for example, he was asked whether he would repay the loan and replied νὴ τοὺς θεοὺς ἔγωγε "yes, by the gods, I will", or the like; but it may also, for all we know, have been expressed formally (e.g. ὄμνυμι τοὺς θεοὺς ἀποδώσειν ἃ δανείζομαι "I swear by the gods that I will repay what I am borrowing"). We therefore have no opportunity, in *Clouds* at least, to judge informal oaths by their consequences; we can only judge them by their expression and context.

I consider below seven hypotheses about how the expression or context of an oath might influence its perceived solemnity and binding force.

94 On two further occasions (825, 1240–1), a character makes a comment on an oath uttered a short time previously by another character.

(a) Is the oath by Zeus, or by another god or gods?

In all kinds of texts where informal oaths are common, as we saw earlier in this chapter, more of them are taken in the name of Zeus than in that of any other divinity. Of the 46 informal oaths in *Clouds*, more than half (26) are by Zeus. It is *prima facie* plausible that this familiarity might breed contempt – that even though Zeus was the most powerful god, an oath by him might not be the most powerful oath, particularly since it was phonetically shorter and weaker than almost any other.

In *Clouds,* however, the invocation of gods other than Zeus has no particular association with key moments in the play, or with the other criteria discussed below. There is only one clear correlation detectable in *Clouds* between this phenomenon and *anything* else, and it is this.

Of the 46 informal oaths in *Clouds*, 25 are uttered by Strepsiades. Eleven of these precede, and fourteen follow, the moment at which he repudiates traditional religion. Of the latter, two (at 665 and 814) are by "new" gods (Air and Mist) and can be excluded from consideration. Of the eleven oaths he utters while still presumably believing in Zeus and the other traditional gods, eight[95] are in the name of Zeus and three[96] of other gods; of the twelve he subsequently swears in the name of gods he has repudiated, seven[97] invoke Zeus and five[98] invoke other powers. The *extent* of the difference may not be of much significance, but its *direction* is striking: Strepsiades after his irreligious conversion swears, on average, "heavier", more noticeable oaths than he did before! Of course, the very fact that he swears by the traditional gods at all is a notable incongruity, and it contrasts, though not in a completely black-and-white way, with the behaviour of the permanent inmates of the Thinkhouse: Socrates, his students, and the Worse Argument between them utter only six oaths by traditional deities, and only two of them (773, 1000) are by deities other than Zeus. Strepsiades' poor understanding of the new concepts and theories to which he is introduced is much commented on by Socrates and by modern scholars alike,[99] and the increased "visibility" of his invocations of traditional gods, at a time when he logically should not have been invoking them at all, may be one of the dramatist's methods of drawing attention to this. Visibility, however, is one thing; binding force is another, and

95 217, 250–1, 261, 327–8, 329–30, 343–4, 346–7, 408–11.
96 121, 372, 386–8.
97 483, 652, 733, 1234–5, 1238–9, 1338–9, 1406–7.
98 454–6, 664–5, 723–4, 732, 781.
99 See especially Green 1979 and Woodbury 1980.

there is no evidence in *Clouds* that an oath by Zeus, simply because it was an oath by Zeus, was perceived as less binding than any other.

However, two passages in other Aristophanic plays may be significant. Near the beginning of the confrontation between Paphlagon and the Sausage-seller in *Knights*, when the latter has just started to make a speech, Paphlagon twice tries to interrupt, saying "will you still not give way to me?" (336, 338). Each time the Sausage-seller replies μὰ Δία "no, by Zeus"; on the second occasion, however, Paphlagon ripostes ναὶ μὰ Δία "yes, by Zeus", and this time the Sausage-seller delivers a counter-riposte:

> μὰ τὸν Ποσειδῶ,
> ἀλλ' αὐτὸ περὶ τοῦ πρότερος εἰπεῖν πρῶτα διαμαχοῦμαι.
>
> No, by Poseidon; I'll fight it out first for the right to speak before you (338–9).

This response apparently wins that particular tussle, since Paphlagon can only cry in frustrated fury "ah me, I'm going to burst!" (340) – which at least suggests that the Sausage-seller's substitution of "by Poseidon" for "by Zeus" had made it clearer than before that he was determined not to yield. A passage in *Frogs*, contrariwise, may indicate the significance of a *refusal* to make such a substitution. Dionysus, in the underworld, has been terrified out of his wits by an apparition, or supposed apparition,[100] of the shape-changing demon Empusa (*Frogs* 285–301). Eventually the demon goes away, as the slave Xanthias assures his badly shaken master (301–5); but Dionysus is not satisfied with Xanthias' bare word, and demands that he confirm it by an oath. Xanthias replies νὴ τὸν Δία "yes, by Zeus, ⟨she's gone⟩", but Dionysus asks him to swear a second and then a third time – and each time he repeats νὴ Δία "yes, by Zeus". If he had substituted the name of Poseidon or Apollo at the second request, would Dionysus have felt it necessary to make a third?

(b) If the oath is by Zeus, does it name him with the definite article?

In almost all informal oaths, as already noted, the name of the god invoked is preceded by the definite article: one says μὰ τὸν Ποσειδῶ, not *μὰ Ποσειδῶ. The only

100 The audience can never be quite certain whether Xanthias is actually seeing Empusa or only pretending to do so (Dionysus himself never sees her, doubtless being too frightened ever to look).

significant exception is where the god is Zeus; in his case the article is optional and, in Aristophanes at least, is usually omitted[101].

To some extent the choice of including or omitting the article is doubtless driven by metrical considerations; but this is certainly not the whole story. The pattern that we saw under (a), in fact, appears again, *mutatis mutandis*. The early Strepsiades (up to line 411) swears eight times by Zeus, and seven of these are in the short form (without the article)[102]; the later Strepsiades swears seven times by Zeus, and only four of these[103] are in the short form. Once again Strepsiades' usage changes in the direction of oaths of greater bulk, and once again it changes *away* from the pattern favoured by the permanent inmates of the school, *all* of whose four oaths by Zeus are in the short form. The explanation for this is doubtless the same as before.

However, while there is nothing in *Clouds*, or in Aristophanes generally, that clearly indicates that an oath by Zeus with the definite article is more solemn than one without, we cannot yet rule out completely the existence of such a differential. It is striking, in particular, that in the argumentative idiom whereby a political or forensic speaker introduces an actual or imaginary objection in order to rebut it (see ch. 9), if the objection is reinforced by an informal oath it is always νὴ Δία, not νὴ τὸν Δία or anything heavier.[104] Since the speaker is aiming to destroy the credibility of the objection, it would not be surprising, to say the least, if, among the various oath-formulae that an objector might have used to bolster its credibility, it was the practice, when using this technique, to put into his mouth the weakest possible.

(c) Is the name of the god invoked accompanied by an epithet?

A prayer, it was thought, was more likely to be effective if the god was addressed by a title that was particularly pleasing to him/her or particularly appropriate to the occasion.[105] An oath is a special kind of prayer, conditionally requesting harm rather than good for oneself, and by parity of reasoning it too should be

101 The ratio in *Clouds* (seven informal Zeus-oaths with the article, out of a total of twenty-six) is fairly typical. Across the eleven extant plays, just under a quarter of all informal Zeus-oaths (90 out of 362) have the article; the highest proportion (in *Acharnians*) is 37.5%, the lowest (in *Knights*) 12.5%.

102 All except the first of them, at 217.

103 733, 1234–5, 1338–9, 1406–7.

104 Typical examples are Isaeus 3.73, 4.20; Dem. 6.13, 6.14, 19.158, 19.272, 21.160, 21.222; Hyp. *Eux.* 14; Dein. 2.8. The idiom is also used by Xenophon (*Mem.* 1.2.9, *Hell.* 7.3.10).

105 Cf. Pl. *Crat.* 400e, *Phil.* 12c; see Fraenkel 1950, 99–100, on Aesch. *Ag.* 160–1.

more effective if the god was invoked under a suitable epithet. And in *Clouds* this expectation seems to be borne out. There are three occasions when a god named in an oath is given an epithet: all of them are of considerable dramatic importance, in all three cases the wording of the oath attracts comment from another character, and in two of the three passages we shall find other markers showing that the oath is of special significance.

We begin with the first oath-utterance in the play (83), at the beginning of the first real dialogue between Strepsiades and his son. Pheidippides, asked if he loves his father, replies "Yes, by Poseidon Hippios here". Strepsiades begs him not to swear by Poseidon *Hippios* – the god of horses – because "that god is the author of my troubles". It is even possible that this oath can be said to influence Strepsiades' behaviour; presumably he asks Pheidippides the question because he is apprehensive how Pheidippides will receive the proposal that he should go to Socrates' school, and we might wonder whether Strepsiades would have dared to make the proposal if Pheidippides had not confirmed his affirmative answer by so emphatic an oath.

It is perhaps significant that the next passage to be considered (817) comes at the beginning of the *second* dialogue between Strepsiades and his son. Strepsiades is trying to expel Pheidippides from his home; Pheidippides, baffled by his father's behaviour, says to him "You're not in your right mind, by Zeus Olympios." Strepsiades is amused, and professes to be appalled, that a grown man should still believe in Zeus; and the existence of Zeus, and the absurdity of swearing by him, are the subject of the next fourteen lines, culminating in the well-known reference to "Socrates the Melian", i.e. the atheist[106] (830).

As that oath was linked to the earlier one by its position in a father-son dialogue, so it is linked to a later one (1239–40) by Strepsiades' laughter. Strepsiades' first creditor, already denied his money with perjury and insults, says furiously "By Zeus the great, and by the gods, you shan't get away with treating me like this!" Strepsiades laughs uproariously, saying that swearing by Zeus and the gods is risible "to those in the know". Strepsiades' treatment of this creditor is his first and decisive overt act of immorality in the course of the play.

In *Clouds*, therefore, it does appear that the presence of an epithet gives special prominence and significance to an oath. How typical is this of the Aristophanic corpus? The pattern turns out to be patchy. In Aristophanes' other five earlier plays (down to and including *Birds*) there are only two informal oaths in which the god is given an epithet, and in both cases, it seems, the device is again

106 As if confusing him with the notorious (and later outlawed) scoffer at religion, Diagoras of Melos.

being used to highlight these utterances – this time for the paradoxical reason that their utterers are rogues and the value of their oaths highly questionable. In *Acharnians* (730) a Megarian, renewing acquaintance after a long interval with the Athenian Agora, swears by Zeus Philios that he has yearned for it "as for a mother"; but the intensity of that love is put in some doubt, to say the least, when later, having sold his two daughters for a little garlic and salt,[107] he prays to Hermes to be able to sell his wife *and mother* for as good a price (817). And in *Knights* (297–8) the Sausage-seller, anxious to prove that he is a greater villain than Paphlagon-Cleon, swears by Hermes Agoraios that he ... commits bare-faced perjury! In *Lysistrata* and *Thesmophoriazusae* there are considerably more epithetted informal oaths; the majority are uttered by women,[108] and neither they nor the only one uttered by a male[109] seem to have any special significance. In Aristophanes' last three extant plays (*Frogs*, *Ecclesiazusae*, *Wealth*) only one kind of epithetted informal oath is found – that by Zeus Soter, which occurs seven times.[110] Sometimes, but not always, it is used at a moment when the speaker feels he really has been blessedly saved from evil[111] in *Frogs* the two moments when it is used are moments when the theme of saving Athens in its time of peril is particularly strong'[112] It would appear, therefore, that epithets *can* be used, in a particular passage or play, to confer special significance on an informal oath, but that they do not always *actually* do so.

(d) Is the oath-formula a conjunction of two or more invocations?

Such a conjunction creates what one might call a "belt-and-braces" oath: if by any chance one of the powers invoked fails to enforce the oath, the swearer

107 He is starving, which is why he is willing to give so much for so little.

108 *Lys*. 443–4, 447–8, 554, 738–9; *Thesm*. 858.

109 *Lys*. 403, where the Proboulos, swearing by Poseidon Halykos ("the Briny"), says that men, because of their laxness in controlling their wives, have only themselves to blame for the women's current hybristic behaviour.

110 *Frogs* 738–9, 1433; *Eccl*. 79–81, 760–1, 1045–6, 1102–4; *Wealth* 877–9.

111 At *Eccl*. 1045–6 the young man thinks that his girlfriend has rescued him from the clutches of a hideous old woman by putting her to flight (alas, she in turn will be put to flight a moment later by an even more hideous old woman); at *Wealth* 877–9 an honest man rejoices in Wealth's discomfiture of a sykophant and, he hopes, of all his kind.

112 *Frogs* 738 directly follows the parabasis, whose main subject has been how best to secure the survival of Athens; in 1433–4 Dionysus, who has just said (1418–19) that he has come to Hades to find a poet 'so that the City may survive', expresses for the last time his inability to choose between Aeschylus and Euripides, prior to subjecting the pair to a final test by asking them for 'one more suggestion each about a way ... for the City to secure her survival' (1435–6).

has ensured that another will be available to do so. Hence in taking a formal oath, several deities are often specified as "witnesses" or "oath-gods": in 1234 Strepsiades" creditor specifies three, and the Athenian "ephebic oath", as taken at Acharnae (RO 88), named seventeen (see S&B 16–21). As noted earlier in this chapter (p. 320), informal oaths by multiple gods are particularly frequent in the orators.

Such conjunctions occur twice in *Clouds*. One is the creditor's oath at 1239–40, already discussed. The other occurs at 627–9. This is a significant moment in the play: it directly follows the end of the *parabasis* and thus marks the beginning of a new phase in the action, it is the first we have heard of Strepsiades since he entered Socrates' school, and it is the first occasion in the play on which anyone swears by one of the "new" gods whom Socrates and his followers worship. Socrates comes out of the school and swears "by Respiration, by Chaos, by Air" that he has never met such a hopeless and forgetful pupil. This utterance is not addressed to anyone in particular, but it is clearly being given the utmost emphasis.

There are only three informal oaths in the rest of the Aristophanic corpus that are reinforced in this way, and all have other unusual features. In two of them the oath-formulae are comic. The Sausage-seller swears "by the fists whose blows I've borne ... many a time ... and by the slashes of butchers' knives" that he believes he will surpass Paphlagon in shamelessness (*Knights* 411–13) – responding to, and evidently (as he always does) outdoing, Paphlagon's oath "by Poseidon" that he will not do so; and the Hoopoe (formerly Tereus) swears "by earth, by snares, by gins, by nets" (*Birds* 194) – probably parodying a tragic or satyric line (*trag. adesp.* 123a) – that Peisetaerus' scheme for a bird city is the cleverest thing he has ever heard. Likewise expressing enthusiastic approval and admiration are the chorus of *Knights* when they praise the Sausage-seller for an exuberant curse on Paphlagon (*Knights* 941–2); their oath is in the name of a quite conventional triad, Zeus, Apollo and Demeter[113] – but, most abnormally, it is uttered *in prose*.

(e) Is attention drawn to features of sanctity in the environment?

As discussed in ch. 6 above, it was common, when prescribing the terms for a formal oath, to specify that it be taken in a sacred place and/or in contact with sacred objects. Accordingly, when Strepsiades' creditor challenges him to swear to his denial of indebtedness, he asks that the oath be taken "in whatever place

113 These three were the 'Oath-Gods' (*horkioi theoi*) by whom were sworn oaths of particular solemnity (Deinarchus fr. 29 Conomis) including that of the Athenian jurors (Pollux 8.122); see Fisher 2001, 254–5, and S&B 43, 72, 79, 154, 164, 166, 208–9.

I may require" (1233); and when Lysistrata's comrades take their oath of sexual abstinence (*Lys.* 181–239), they do so with their hands on what, in comedy, is the most sacred object known to a woman – a cup of wine.[114] In *Clouds* there seem to be a number of representations (some probably fully iconic, others not) of various divinities visible in the acting area. When Pheidippides swears by Poseidon at 83, a passage we have already examined, he speaks of "this Poseidon here" and must evidently be pointing to an image[115] and Strepsiades' choice of Hermes as the god to pray to at 1478 is best explained if there is a pillar-image of Hermes in front of his door as there was in front of so many real doors in Athens'[116] Since, further, the whole performance[117] was taking place in the Theatre of Dionysus during the City Dionysia, we know that an image of Dionysus was present too.

Any or all of the informal oaths in *Clouds* that invoke Poseidon, Hermes or Dionysus may have been accompanied by a gesture towards the god's visible representation, and one of them, Pheidippides' oath at 83, certainly was; we have seen too that this is not the only indication of special sanctity attached to this oath – and we will be coming back to it yet again. Several other oaths taken in the name of these deities can also be shown to be of special significance in the play. I omit the oath by Dionysus uttered at the beginning of the *parabasis* (518–24) by the chorus-leader in the name of the poet; this is certainly a very impressive oath, prominently placed (and it has an interesting parallel, on the same topic, in *Wasps* 1046–7, also from a *parabasis*), but it is not strictly speaking "informal", since the speaker goes on to specify blessings to befall him if his assertions are true ("may I be victorious and be thought a true artist", 520) and, by implication, evils to befall him if they are not; I omit also the oaths by Poseidon at 665 and 724, which are uttered at the Thinkhouse, not at Strepsiades' home, and would certainly not be accompanied by any gesture towards that Poseidon Hippios whom the speaker, Strepsiades, so much abhors.

At 90–91 Pheidippides swears by Dionysus to obey his father's instruction to "go and learn what I'm going to ask you to" (89); he has asked to know what it is that he is to go and learn, but his father has insisted on an explicit promise to obey before revealing this. Since Strepsiades had objected vehemently to his

114 In an explicitly signalled parody (cf. *Lys.* 188–9) of the conquer-or-die oath taken by the Seven against Thebes (Aesch. *Seven* 42–8) with their hands touching the blood of a sacrificed bull collected in the hollow of a shield.

115 Russo 1962, 172 (1994, 110) argues that the image need not necessarily be visible to the audience; but see Dover 1968, 104–5.

116 So e.g. Dover 1968, lxxvi, 265; Sommerstein 1982, 231; Russo 1994, 110.

117 Both the actual performance of the original version of *Clouds*, and the performance for which the revised play was being prepared.

son's previous choice of Poseidon Hippios as a god to swear by, we are probably meant to notice that Pheidippides now chooses a different god, particularly since νὴ τὸν Διόνυσον has the same metrical value as νὴ τὸν Ποσειδῶ. Perhaps he may even begin to raise an arm in the direction of the image of Poseidon before thinking better of it and diverting his gesture towards the image of Dionysus.

Having heard where and with whom he is being asked to study, Pheidippides swears, again by Dionysus, that he will not do so under any circumstances, "not if you gave me the pheasants that Leogoras rears" (109). What is significant about this oath is, of course, that it directly contradicts and falsifies an oath taken by the same god only eighteen lines previously – a fact which could of course be emphasized by a repetition of any gesture accompanying the earlier oath. To such flagrantly contradictory swearing, at so short an interval, we know of no parallel in any Greek text from the period covered by the project database[118] it can reasonably be said to indicate that Pheidippides, long before he enters the Thinkhouse, is at heart almost as contemptuous of the gods as Socrates himself.

The oath by Dionysus at 1000–1 is a surprising candidate for special solemnity, since the speaker is the Worse Argument, whom one would have expected not to believe in Dionysus' existence or power. It is addressed to Pheidippides, and assures him that if he follows the path of traditional virtue as recommended by the Better Argument, "you'll become like the [imbecile] sons of Hippocrates, and they'll call you a pap-sucker [= milksop]". This is the most noticeable oath by a traditional god ever uttered in the play by a permanent inmate of the school; and there is a good chance that we are meant to reflect on it, and to reflect that it is false. The Better Argument, after all, has himself pointed out (985–6) that the kind of education and upbringing that he favours "bred the men who fought at Marathon", and nobody would think of *them* as imbeciles or milksops. The statement made here by the Worse Argument is the first substantive assertion he

118 There are, however, other passages in comedy in which oath-expressions are used to draw attention to inconsistency or vacillation that does not amount to blatant self-contradiction. In *Frogs* 1119–76, Euripides analyses the first few lines of Aeschylus' *Choephoroi*, showing (he claims) that Aeschylus repeatedly "says the same thing twice". When he finds such a repetition in line 3 ("I have come and returned to this land") Dionysus, once he understands the point being made, responds "Yes, by Zeus" (1158). Aeschylus then argues that "come" (*hēkō*) and "return" (*katerkhomai*) are not in fact synonymous, since the latter could only be said by an exile like Orestes; Dionysus responds "Very good, by Apollo!" (1166). Euripides rejoins that *katerkhomai* is anyway not appropriate to Orestes because he was not recalled from exile but came home secretly; Dionysus responds "Very good, by Hermes!" (1169). It is thus made very evident how limited Dionysus' critical faculties are, even before he goes on to add that he does not know what Euripides means!

has made during his debate (*agōn*) with the Better Argument; it is backed by a powerful oath; and it is probably to be taken as untrue. But then this is the character who will presently say (1081) that Zeus is, literally, "weaker than … women" (ἥττων … γυναικῶν)[119].

At 1277 the second creditor swears by Hermes that he will summon Strepsiades to court if he is not paid his money. This is the strongest of three oaths that he utters, and, reinforcing a threat as it does, it mirrors two powerful oaths by the first creditor (1239, 1255; discussed above) and should probably be regarded as equalling them in force. The speaker certainly hopes, and probably expects, that it will have an influence on Strepsiades – though it does not.

To extend this inquiry to the whole Aristophanic corpus would require us to determine for each play which divine images, if any, were part of the stage setting, and that would take us too far from our subject; I will therefore, as regards the other comedies, concentrate on the one divinity whose image we know to have been always present, namely Dionysus. A review of the nine informal oaths by Dionysus found in the ten surviving comedies other than *Clouds*[120] does not on the whole suggest that invocation of Dionysus (rather than, say, Zeus or Poseidon) in itself confers any particular extra significance either on the utterance it accompanies or on the structural position occupied by the passage in the play.[121] It seems likely, therefore, that the Dionysus oaths of *Clouds* 91 and 109 owe their prominence more to their context (including their proximity to each other) than to anything else.

(f) Has the oath been solicited by another person?

The great majority of informal oaths, in *Clouds* and elsewhere, arise simply from the speaker's desire to add impressiveness and credibility to what (s)he is saying. But a small number are uttered because someone else has requested them. To solicit an oath (or even a solemn promise) signals that one is particularly anxious to secure a guarantee of reliability for what one is about to be told; to give a solicited oath is to give that guarantee, and to break it is to break faith with the other

119 He *means* that Zeus is regularly vanquished by *desire* for mortal females; but that is not what he *says*.

120 *Wasps* 1474; *Peace* 109, 1277; *Birds* 171, 501, 1370; *Eccl.* 344, 357, 422.

121 However, the three oaths of this type in *Ecclesiazusae* – the only ones to be found in Aristophanes' last five plays – are of interest for a different reason: they all occur in the same scene, and all in the mouth of the same character, Blepyrus, who in this scene, and in this scene alone, is wearing his wife's clothes (she having "borrowed" his). May this be related to Dionysus' well-known tendency to wear women's garments (as he does in *Frogs*)?

party in a matter known to be of considerable concern to them. Hence an oath can be expected to have greater solemnity if it has been solicited.

Strictly speaking, there are no solicited oaths in *Clouds*. The first creditor does challenge Strepsiades to deny on oath that he owes him money (1232–4), but he abandons the challenge when it becomes evident that Strepsiades regards the oath as a meaningless form of words. There are, however, two oaths which can be viewed in a broader sense as having been solicited. Both of them have already been shown above to be marked in other ways as being of special seriousness: Pheidippides' oaths by Poseidon and Dionysus at 83 and 91 respectively.

The question "Do you love me?" (82) is a fraught one at any time, particularly when it is asked, as in this case, by one person of another who has a *duty* to love him/her. Immediately before asking this question, Strepsiades has asked Pheidippides to kiss him and give him his right hand; this would normally constitute a binding pledge of affection and loyalty (cf. *Frogs* 754, 788–9), though it was not quite as strong as an oath (cf. Soph. *Phil.* 810–13).[122] The fact that *after* receiving such a pledge Strepsiades is still sufficiently uncertain to put the question indicates that he wants some stronger assurance, and it can be argued that it virtually compels Pheidippides to put his answer in the form of an oath. Heracles in Sophocles' *Trachiniae* (1174–90; see §5.2) makes things more explicit. He first tells his son Hyllus that it is his duty to obey his father; Hyllus promises to do so. He then demands that Hyllus give him the pledge of a handclasp (refusing to tell him why); Hyllus does so. He next orders Hyllus to swear by Zeus to fulfil what his father will command him, explicitly wishing suffering on himself if he breaks his oath; Hyllus duly swears (formally, as is usual in tragedy), and is then told what the command is: to place his father alive on a pyre and set light to it.

That passage, of course, illustrates not only the relationship between the handclasp and the oath but also the ploy of demanding that a person swear to do X before being told what X is (see e.g. pp. 174, 273–6]). Something like this sequence, though not quite the same thing, occurs in *Clouds* 88–91, where Strepsiades, before telling his son what he wants him to study and where, asks for a promise that he will obey the request when made, and is answered in the affirmative with an oath by Dionysus. Strepsiades has again not exactly solicited an oath, but he has shown that he is anxious about the matter and needs a strong assurance – even after Pheidippides' other oath, six lines earlier – so it is not surprising that Pheidippides swears again. The oath, as we have seen, is broken within three minutes.

122 Cf. A. Allan 2007, 114–15.

(g) Has the oath been preceded by explicit discussion of swearing?

What makes an oath informal is that it has no explicit reference to swearing or to conditional self-cursing. If, however, such reference forms part of the *context* in which an informal oath is uttered, that immediately tends to make it less informal. The actual soliciting of an oath is one way, but by no means the only way, in which this can happen. Another is illustrated by the last example we shall discuss, the paradoxical passage (1228–9) in which Strepsiades in effect swears that a previous sworn promise was false. He has just (though not in so many words) denied ever having borrowed money from the "first creditor",[123] and is reminded that he had sworn by the gods to pay it (1227) – in effect putting him on notice that to deny the debt exists, or to refuse payment, will be an act of perjury. He replies:

> Well, *by Zeus*, at that time my Pheidippides didn't yet know the invincible Argument (1228–9).

Normally we would not attach much importance to an oath-formula of this kind; but it is different when we, and Strepsiades, have just been reminded of a previous oath which he is at risk of breaking. Not that the oath he is actually giving at this moment is untruthful: it is perfectly true that Pheidippides had not yet learned "unjust argument" at the time when the money was borrowed. It is, nevertheless, flagrantly shameless for him to use an oath to reinforce his statement when his behaviour shows he regards oaths as worthless.[124]

It will have been observed that we have kept coming back to just two sections of the play where oaths are at the centre of our attention: the first dialogue between Strepsiades and Pheidippides (where Pheidippides' basically amoral and impious character is established), and the scenes between Strepsiades and the creditors (where Strepsiades in his turn gives a display of gross impiety and amorality, which dramatically speaking justifies his subsequent fate). To these we may add two other passages in which oaths are the subject of explicit discussion: the second dialogue between father and son (816–31), where Pheidippides is criticized for swearing by Zeus, and, much earlier, Socrates' first statement, in

123 When the creditor summons Strepsiades to appear before a magistrate (the first stage in bringing a lawsuit), Strepsiades asks what it is about, and the creditor replies "The twelve minas that you borrowed when you bought the dark-grey horse" (1224–5); to which Strepsiades retorts "'Horse'! Hark at him! Me, who you all know loathes everything to do with horses!" (1225–6). (He was, of course, buying the horse, doubtless unwillingly, for his son, not for himself.)

124 A further dose of shamelessness is added by the contradiction between Strepsiades' implicit denial, a moment before, that he borrowed the money, and his admission now that he swore to repay it!

the context of an offer by Strepsiades to swear to pay his fee, that "we don't credit gods here" (247–8). The key oaths in these passages very definitely *are* oaths, and the discrediting of their validity is one crucial aspect of the sophistic subversion of ethical values as presented in this play.

So *are* there circumstances in which informal oaths do lack all binding force? So far as *Clouds* is concerned the answer might seem to be "no". Even though oaths may often seem to be little more than conversational counters, people still do not, in general, swear to statements that they do not believe to be true (if relating to the present or the past) or do not intend to be true (if relating to their own future actions). Or if they do, they show themselves to be contemnors of the divine. Pheidippides and the Worse Argument do so in this play, and so, for a time, until he sees the light, does Strepsiades.

But if we look beyond *Clouds*, things become a little more complicated. We cannot here examine all the sworn statements in Aristophanes that are not straightforwardly and self-evidently true; let us concentrate on the smaller category defined above – assertory oaths which the speaker does not believe to be true, and promissory oaths which (s)he has no intention of keeping or which (s)he subsequently breaks in a manner showing bad faith. In Aristophanes' surviving plays other than *Clouds*, there are about twenty-two of these.[125] They can be grouped into four classes.

(a) *Oaths uttered by villains* – or rather by one villain, the Sausage-seller in *Knights*, who claims to outdo Paphlagon-Cleon in wickedness because he is not only a thief but a bare-faced perjurer too (297–8, 418–24, 1239). There is no clear instance of his actually committing perjury during the play itself; his sworn promise ("by Demeter") to prove that Paphlagon had taken a large bribe from Mytilene (832–5) may well seem extremely far-fetched (given that Cleon had argued strenuously for the extermination of Mytilene's male population), but it is not entirely clear that we are meant to take it as self-evidently false (rather than e.g. as an accusation that Cleon had taken money from the Mytileneans by proμising to argue that they should be spared, and had then double-crossed them).

(b) *Oaths in matters of love* – which were often alleged not to count as oaths at all. In §11.2 above it was shown that *formal* oaths were in practice treated as binding even in these circumstances, but with informal oaths it is sometimes otherwise. In *Lysistrata* such oaths are sworn by the Third Woman (752), who

125 Excluding two which refer to events in the world outside the comic fiction: the alleged Spartan breach of the Peace of Nicias (cf. *Lys.* 513–14) and the boys who are persuaded by lovers' gifts to break oaths of chastity (*Birds* 705–7).

wants to get out of the Acropolis and back to her husband; by Lysistrata (855–88), who wants to stir up Cinesias' sexual tension and frustration to the highest possible pitch; and by Myrrhine (949), who wants to lull him into believing that she is about to satisfy his desires. The deities invoked are Zeus, Aphrodite and Artemis.

(c) *Ironical or exaggerated statements not intended to deceive*. Apart from a single example in *Birds* (1358), these appear only in the three latest plays, *Frogs* (285), *Ecclesiazusae* (377, 390–1), and *Wealth* (380–1, 657–8, 987). Typical are the ironic statement that Wealth must have been "happy" to be bathed in cold sea water (*Wealth* 657–8) and the exaggerated statement that the assembly meeting attended by Chremes had ended before sunrise and before the second cock-crow (*Eccl.* 377, 390–1) – when in fact it had not then even begun;[126] Chremes only means that it ended very early, before many male citizens had arrived. The god invoked is usually Zeus, but once it is Apollo (*Wealth* 987) and once "the gods" (*Wealth* 380).

(d) *None of the above*. False oaths for which none of the above explanations is available occur in these ten plays as follows; unless otherwise stated, the oath is "by Zeus".

1. *Wasps* 184 (Philocleon: "my name is Nobody").
2. *Birds* 1680 (Poseidon: "the Triballian god is not saying that Basileia ought to be handed over to the birds").
3. *Lysistrata* 990 (Spartan herald: "I have not got an erection").
4. *Lysistrata* 1236–8 (Athenian diners, offstage: "the Spartans did not choose the wrong song to sing"; it is not stated which god was invoked).
5. *Thesmophoriazusae* 623–4 (Euripides' in-law, disguised as a woman: "I come to the Thesmophoria every year").
6. *Frogs* 49–51 (Dionysus: "Cleisthenes and I sank twelve or thirteen enemy ships ... by Apollo").
7. *Frogs* 650 (Xanthias: "I didn't feel any pain").
8. *Frogs* 1471 (Dionysus repudiates a previous oath, sworn in the name of at least two gods, to take Euripides home[127]).
9. *Ecclesiazusae* 553 (Praxagora: "I don't know what the Assembly decided").

126 Assembly meetings regularly began at sunrise (cf. *Ach.* 19–20); the second cock-crow is mentioned in *Eccl.* 30–31 as having already been heard, and yet the women, who are anxious to reach the Pnyx early, do not depart thither until 285.

127 He has not in fact sworn any such oath during the play, but no spectator will think of that while watching this scene.

Three features of this list may be noted. Firstly, such acts of clear perjury, by characters not apparently meant to be seen as villains, are heavily concentrated in the later plays – only one of them appears in a play produced before 414 BC. Secondly, with one exception, all the oaths are assertory, not promissory. Thirdly, with one exception (the same one), either the false statement is one that can do no harm (4, 9)[128] or else the deception quickly fails because it is not believed (1, 2, 3, 6) or is detected (5, 7).[129] And the exception itself, *Frogs* 1471, is easily explained: Euripides, of all people, could not complain of being deceived by a false oath, because it was he who had made available, in a notorious line of *Hippolytus* (612; see §11.3), an argument that was capable of nullifying any oath whatsoever – and Dionysus here quotes half of this line back at him.

This evidence suggests that even in the case of informal oaths uttered by characters in comedy, there remained, in the late fifth and early fourth centuries, a significant degree of reluctance to attach an oath-formula to a false or insincere statement, and an even stronger degree of reluctance to show such an action as being successful to the detriment of others; the one exception really proves the rule, as it shows the author of what was alleged to be a perjurer's charter being hoist with his own petard. The informal, conversational oath may no longer have been envisaged as automatically calling down divine wrath on the swearer if it was attached, under any circumstances, to an untrue statement; and there is some evidence that attitudes in this respect became somewhat laxer during the course of Aristophanes' lifetime. But an oath, even a seemingly casual one, still counted for something – and all the more so when, as in *Clouds*, the existence and power of the gods was at issue.

128 In *Lys.* 1236–8, the Athenians' objective is simply to spare the Spartans embarrassment; their falsehood cannot do the Spartans any harm and may indeed benefit them (e.g. by helping them win a symposiac game). In *Eccl.* 553, if Praxagora tells the truth, she risks losing the opportunity to implement a social revolution which she believes will be greatly to the benefit of men and women alike – including Blepyrus, to whom she is speaking.

129 Xanthias' deception (he is claiming to be the god Heracles, whose costume he was wearing when arrested) is unmasked when he and Dionysus are taken before Pluto and Persephone (*Frogs* 669–71, 741–2).

13a Swearing oaths in the authorial person

I.C. Torrance

The authorial voice makes an appearance in many Greek literary genres, but the number of authors who swear in the authorial person is remarkably low. Major archaic and classical authors such as Homer, Hesiod, Herodotus, and Thucydides never use a first-person oath in the authorial voice, a fact that is particularly striking in the cases of Hesiod (who spends much of his time, especially in *Works and Days*, speaking in his own name in a quite specific persona), and of Herodotus (who regularly gives his own opinion on reported events). In several cases the extant works of an author contain just one example of an oath sworn in the authorial person (Sappho, the anonymous *Theognidea*, Antisthenes, Aristotle, [Plato]). Among the poets Pindar is the author who most commonly uses the first-person oath and Bacchylides also (twice) uses the authorial oath in his epinicians. Aristophanes twice gives an oath in his own name, both times on the same issue but in two different plays. In prose texts, the works of Aeschines and Demosthenes contain by far the most first-person oaths, but other orators do not use them at all. Finally, Xenophon appears to use the authorial oath abundantly. However, all but two of the first-person oaths in his writings are spoken by Xenophon the character, and all but one of those appear in the *Anabasis*, which Xenophon famously ascribes in his *Hellenica* (3.1.2) to the otherwise unknown Themistogenes of Syracuse. In contrast to other works in which authorial oaths appear, there is a significant distance created in the *Anabasis* between Xenophon as author and Xenophon the character within the work. *Memorabilia* includes one oath by Xenophon as a character, and *Hellenica* and the *Constitution of the Spartans* each contain one oath in the authorial voice.

Since we have already discussed oaths in oratory, we can begin by reviewing the relevant findings regarding first-person oaths in this genre before moving on to other authors. Most of our discussion will be focused on Pindar and on Xenophon, but we will also discuss the other writers in whose works we find one or two authorial oaths before making some concluding remarks and returning to the question of why some authors use first-person oaths in their authorial voice and others do not.

13a.1 The orators

We saw in ch. 9 how Aeschines and Demosthenes exploited oaths for a variety of rhetorical purposes. Their speeches include numerous first-person informal

oaths, and although it is beyond the scope of the present study to analyse all of these, we can summarize here the uses to which they were put.[1] In Demosthenes, the oath of the imaginary objector "by Zeus" developed to become "little more than a sentence-adverbial" as an oath sworn in the author's own voice (e.g. Dem. 8.7). Similarly the oath "by Zeus" came to be used as a more emphatic version of the particle *men* "on the one hand", in both Aeschines and Demosthenes, drawing attention to the fact that although the statement made on oath is true, a more important one is about to be made (e.g. Aesch. 3.172, Dem. 6.23). When Aeschines and Demosthenes sought to add credibility to weak assertions, they tended to swear oaths not "by Zeus" but "by the gods", by more than one god, or by a god whose patronage was stressed by means of an epithet[2] (e.g. Aesch. 1.55, Dem. 18.111, cf. Dem. 8.49).

First-person oaths are also found, though less frequently, in speeches composed for personal delivery by Demosthenes' and Aeschines' contemporaries – Apollodorus, Lycurgus and Hypereides[3]. There are none in Isocrates (who probably avoided them on principle – see ch. 15) or in the older orators such as Andocides and Lysias[4].

13a.2 Pindar and other poets

Given that the authorial "I" features most prominently in lyric poetry amongst the poetic genres, it is not surprising to find that oaths sworn in the authorial person belong almost exclusively to this genre, with two additional examples from Old Comedy. The bulk of our relevant passages come specifically from epinician poetry, mostly from Pindar,[5] but also from Bacchylides. The question of identifying the authorial "I" in epinician poetry is a vexed one. Does the "I" reflect the poet's own personal voice, and if so how can we reconcile this with a context of public and choral performance? Mary Lefkowitz argued that the *persona loquens*

1 On the frequencies of informal oaths in oratory, see §13.1. Martin 2009, 250–65 discusses the use of oaths in Demosthenes' private speeches. First-person informal oaths occur at Aesch. 1.28, 52, 55, 61, 69, 73, 76, 81, 88, 98, 108; 2.130; 3.172, 182, 212, 217, 228, 255; Dem. 1.19, 23; 3.32; 4.49; 6.23, 31; 8.7, 19, 28, 49; 9.54, 65, 70; 10.7, 17, 20, 25, 50; 13.16, 21; 14.38; 15.13; 16.13, 32; 18.13, 111, 129, 208, 251, 261, 294, 307; 19.24, 46, 52, 67, 122, 129–30, 141, 171–2, 188, 212, 215, 235, 262, 285; 20.21, 151; 21.2, 3, 58, 109, 139, 198, 205, 207; 29.52, 57, 59; *Prooem*. 35.4, 35.5, 45.1, 46.3, 48.2.

2 On using epithets or invoking multiple divinities to add sanctity to oaths, see § 6.1.

3 Apollodorus: [Dem.] 50.13; 52.9, 14. Lycurgus: *Leocr.* 76, 140. Hypereides: *Eux*. 4, 27; *Dem.* fr. 1.1.

4 Compare the pattern we found in ch.9 for the distribution of "imaginary objector" oaths.

5 Translations for Pindar given in this discussion are either taken from or based on Race 1997.

in Pindar was the poet and that epinicians were essentially solo performances sung by "the poet or his delegate".[6] This explains, according to Lefkowitz, why the "I" in the victory odes "always refers to the poet".[7] This position was followed by Heath and was later defended by both Heath and Lefkowitz,[8] after their arguments were challenged by several scholars.[9] The poetic "I" in the *epinicia* has been understood in various other ways. D'Alessio emphasized the conflation of the poet's literary and social *personae* in first-person utterances.[10] Goldhill stressed that the authorial "I" could equally well refer to the chorus collectively and speaks of a "generalizing *ego*".[11] Bremer raised the notion of a "paradoxical *ego*" similarly aligning himself with the choralists,[12] and Calame has recently coined the notion of a "polyphonic melic *ego*".[13]

The issue of poetic voice in Greek lyric poetry is complex and may never be entirely resolved. Perhaps the most persuasive explanations of Pindar's controversial authorial "I" come from scholars who stress both its personal and its choral potential.[14] What is clear, however, about first-person oaths in epinician poetry is that they have an immediately obvious purpose in increasing the intensity of praise for the honorand,[15] not just by making statements concerning their achievements but by making them on oath. In the context of praise, Richard Rawles' formulation of "an ambiguity of voice" in first-person declarations where there is "*both* the general acclaim of the community *and* the privileged voice of the poet" is persuasive.[16] Hutchinson comments that the swearing of oaths is

6 Lefkowitz 1991, 1–71 (originally published in 1963), and 191–201 (original published in 1988) with 203–6, quotation from 203.

7 Lefkowitz 1991, 204.

8 Heath 1988, Heath and Lefkowitz 1991, Lefkowitz 1995 (responding primarily to D'Alessio 1994).

9 Especially Burnett 1989, Carey 1989 and 1991.

10 D'Alessio 1994.

11 Goldhill 1991, 144–5.

12 Bremer 1990. Other significant proponents of the chorus theory are Carey 1991 and Morgan 1993.

13 Calame 2011, esp. 137–8, whose focus is Bacchylides. As observed by Carey 1999, 18–19, Bacchylides generally prefers the third person to designate the poet (in contrast to Pindar); cf. Carey 1995b, 92–3, on the unusual prominence of the poetic persona in Pindar, and see also Fearn 2007, 40–1 on first person statements in Bacchylides.

14 E.g. Morgan 1993, 15 who argues that Pindar "submerges the choral into a virtually monodic personality". It is possible also that the odes were performed first by a chorus and that later reperformances were solos. On the issue of reperformances, see Currie 2004 and Morrison 2012.

15 On the centrality of praise to the poetics of Pindar, see Goldhill 1991, 128–66 with further references.

16 Rawles 2011, 147.

"a conventional device" in the epinician genre, "commonly introduced with an unneeded vehemence and an elaborate emphasis on the ritual", and that "these endow the present with a degree of fiction".[17] Hutchinson is right to stress the frequency of oaths of this type in the genre,[18] but it is unclear why he finds the vehemence "unneeded" and even less clear why the oaths should "endow the present with a degree of fiction". In fact it seems to be the case that oaths function to stress the truth of the poet's claims, as I argue below. Moreover, within the seemingly basic function of high praise, there is a remarkably wide variety of expression, and the language of oaths fits comfortably into the broader framework of religious language and imagery used by Pindar and Bacchylides.[19]

In Pindar's *Olympian* 2 (for Theron of Acragas, winner of the chariot race in 476 BC), the poet casts himself as an archer shooting arrows of fame (2.82–91), and as "the divine bird of Zeus" (2.88). He continues: "Yes, bending the bow at Acragas, I will proclaim a statement on oath (αὐδάσομαι ἐνόρκιον λόγον) with a truthful mind (ἀλαθεῖ νόῳ), that no city within a century has produced a man more beneficent to his friends in spirit and more generous of hand than Theron" (2.92–5). Less than thirty lines beforehand (*Ol.* 2.65–7), the poet had made a general reference to the benefits reaped by good men who keep their oaths. These keep "company with the honoured gods" and "spend a tearless existence, whereas the others endure pain too terrible to behold". Pindar stresses a divine reward for keeping one's oath in addition to a divine punishment for breaking one. The specification of a particular divine reward for oath-keepers is unusual, since it is the conditional curse that is the essential component of an oath rather than a conditional blessing, and blessings, when they are mentioned, are normally referred to in vague terms.[20] Certainly keeping company among the gods does not appear elsewhere in our sources as a perceived consequence for being true to one's oath. Bowra discusses this passage as an example of Pindar accepting unusual doctrines concerning the afterlife,[21] and suggests that Pindar may

17 Hutchinson 2001, 384.

18 Cf. Burnett 1985, 57, Maehler 2004 *ad* Bacch. 5.42, and McDevitt 2009, 150 on Bacch. 8.19–21 where the oath is one of the elements listed as "the most common recurrent motifs of the epinician". Maehler 1982 (I.ii), 100 finds the use of oaths in epinicians to make a strong affirmation "a little ostentatious".

19 On religious language and imagery in Pindar see Bowra 1964, 42–98. Goldhill 1991, 133–4 discusses the importance of *charis* for the interrelations between gods and men in Pindar. On the centrality of hero cult in Pindar, see Currie 2005. Carey 1999 discusses how the *pathos* created in the odes of Bacchylides emphasizes "the importance of piety" (28–9), among other issues.

20 See further below p. 359 with n. 63 on rewards for keeping one's oath.

21 Bowra 1964, 90; on the complex views of death expressed in Pindar see also Currie 2005,

simply be proposing the reverse of perjurers being punished in Tartarus, as is implied in Homer.[22] Nevertheless, it seems important to link this assessment to the subsequent oath made in the authorial persona. By swearing a true oath, Pindar implicitly places himself among the gods, possibly as a *theios anēr*,[23] and consolidates the image of himself as the bird of Zeus against whom the crows (possibly Simonides and Bacchylides) cry vainly.[24]

Pindar is emphatic in asserting his own authority as a poet of innate wisdom, and as a prophet and interpreter of the Muses.[25] The poet is no longer a mere vessel through whom the Muse sings, as in Homer.[26] Pindar sees himself as an essential intermediary figure crafting poetry from the divine knowledge he receives from the Muses. There is thus an important degree of separation between the information provided by the Muses and Pindar's finished poetic product. So in *Olympian* 6 (for Hagesias of Syracuse, winner of the mule race, 472 or 468 BC), the poet compares Hagesias to the Theban seer and warrior Amphiaraus, and concludes (20–21): "Having sworn a great oath (μέγαν ὅρκον ὀμόσσαις) I will bear clear witness (μαρτυρήσω) for him that this at least is so; and the honey-voiced Muses will assist (μελίφθογγοι δ' ἐπιτρέψοντι Μοῖσαι)". This is the translation of Race, but Scodel translates the last phrase more literally "the honey-voiced Muses will permit me" and objects that several scholars do not translate within "the normal semantic field of the verb".[27] The phrase μέγαν ὅρκον "great oath" is itself epic in diction,[28] so that the contrast between epic and Pindaric expression seems to be underlined. In Pindar, the "honey-voiced Muses" produce "honey-sounding hymns" (*Isthmian* 2.4 μελιγάρυας ὕμνους) but Pindar also used both adjectives to describe his own poetry. In *Isthmian* 6 (for Phylacidas of Aegina, winner of the boys' pancration), the poem will be equivalent to "pouring a libation of honey-voiced songs upon Aegina" (*Isthm.* 6.8–9: Αἴγιναν κάτα | σπένδειν

31–40.

22 Bowra 1964, 92.

23 The heroization or anticipated heroization of the living is significant in Pindar's work. Currie 2005, 158–200 discusses this issue within the broader context of fifth-century Greeks who arguably received religious treatment during their lifetime. D'Alessio 1994, 138 observes that Pindar "himself emphasized his relations with the gods and his religious piety."

24 On the identification of the crows as Simonides and Bacchylides, see Bowra 1964, 6–7, 10, 14, and cf. Race 1997, i, 73n.3, though Willcock 1995, 162–3 is not convinced by this identification.

25 See Bowra 1964, 1–41 esp. 3–8.

26 On the development of the poetic voice from Homer to Pindar, see Goldhill 1991, 69–166, and Scodel 2001.

27 Scodel 2001, 124 with n.31.

28 Cf. e.g. *Il.* 1.233, 9.132, 9.274, 19.113, *Od.* 2.377, 4.746, 5.178, 10.299, 10.343, 20.229. The expression is also used to describe the oath of the goddess Lachesis in *Olymp.* 7.64–8.

μελιφθόγγοις ἀοιδαῖς). In *Pythian* 3.64 Pindar's poems are "honey-sounding hymns" (μελιγάρυες ὕμνοι). *Olympian* 11 (for Hagesidamus of Western Locri, winner of the boys' boxing in 476 BC) opens with a priamel "in which the needs of sailors for winds and of farmers for rain are capped by the need of victors for commemorative songs":[29] "if through toil someone should succeed, honey-sounding hymns (μελιγάρυες ὕμνοι) are a beginning for later words of renown, and an oath-pledge for great achievements (πιστὸν ὅρκιον μεγάλαις ἀρεταῖς)" (*Olymp.* 11.4–6). Here Pindar's "honey-sounding hymns" are a metaphorical oath, where the victory odes for Hagesidamus' first success are equivalent to a sworn pledge of future success.[30] This use of oath-language is unusual and it emphasizes the authority and validity of Pindar's poetry. Goldhill reads this as "the divine access to truth provided by the Muses and justified by the oath",[31] but Scodel observes that in his *epinicia* Pindar "never cites [the Muses] as an authority for his versions of a story, or for any other point of truth." Rather, "they render songs beautiful and appropriate."[32] The distinction is important. The *truth* is, as Goldhill saw, justified by oaths, but it is the poet rather than the Muses who provides their content. It follows that, if Pindar's odes are tantamount to oath-pledges, then their content must be true.

The association of truth, oath, and sweet voice occurs in *Olympian* 13 (for Xenophon of Corinth, winner of the stadion and pentathlon, 464 BC). The poet proclaims "As for their victories (i.e. the victories of Xenophon's family) at the Isthmus and Nemea, in a brief word I shall reveal their sum, and my true witness under oath (ἀλαθής τέ μοι ἔξορκος) shall be the noble herald's sweet-tongued shout (ἀδύγλωσσος βοά) heard full sixty times from both those places." (*Olymp.* 13.97–100). There is clearly a connection here once again between truth and oath.[33] In this case listeners have just been told (with reference to Bellerophon capturing Pegasus) that the power of the gods can easily bring about what is "beyond oath" (*Olymp.* 13.83: παρ᾽ ὅρκον), or as Race translates "what one would swear impossible" (i.e. but would be wrong to do so), and what is "beyond expectation" (*Olymp.* 13.84: παρὰ ἐλπίδα).[34] In *Olympian* 13, Pindar cleverly uses the

29 Race 1997, i, 174.

30 Pindar uses the metaphor of an oath also in *Nem.* 9.16–17 where Eriphyle is given to Amphiaraus as wife "as an oath-pledge"; see ch. 3, p. 54.

31 Goldhill 1991, 150, having translated *Olymp.* 6.21 as "the sweet-voiced Muses will entrust me", objected to by Scodel 2001, 124 n.31.

32 Scodel 2001, 123.

33 Cf. Pratt 1993, 118–19.

34 Certain other authors similarly warn against swearing that something is impossible, see §5.2 on *Ajax* (pp. 106–8) for further discussion.

language of oaths in three ways. He emphasizes the near-impossibility of the successes achieved by the victor and his family, he asserts the truth of his claims, and his oath becomes the poetic "sweet-tongued shout", a metaphor for his poetry.

The oath in *Nemean* 7 (for Sogenes of Aegina, winner of the boys' pentathlon) is also connected to song. The passage reads as follows "One who knows me will proclaim if I come saying a crooked utterance out of tune. Sogenes from the clan of the Euxenidae, I swear (ἀπομνύω) that I have not stepped up to the line and sent my tongue speeding like a bronze-cheeked javelin, which releases the strong neck from wrestling before the body falls under the blazing sun" (*Nem.* 7.68–73). Race, whose translation is quoted here, explains as follows: "The pentathlon could be won with enough victories in earlier events such as the javelin throw, thereby obviating the deciding wrestling match in the heat of the day. The implication is that Pindar will spare no effort in praising the victor."[35] Carey observes that "Pindar's image of himself as a pentathlete implies a similar achievement on the part of the victor".[36] The sentence preceding the oath implies that the oath is not a "crooked utterance out of tune", but is rather a melodious statement of truth. Lefkowitz comments on the fact that this phrase refers to poetry's potential,[37] and it is striking that so many of the oaths spoken in Pindar's authorial persona are connected with an insistence on truth and on beautiful-sounding poetry. Of course it is well known that Pindar professed to create a poetry of truth in contrast to deceptive fictions.[38] He consistently associates lying with blame and slander, and truth with his own poetry of praise.[39] Since the oath is a tool for asserting unquestionable truths among the god-fearing in archaic and classical Greece, it is not surprising that Pindar exploits the language of oaths. Swearing oaths allows Pindar to stress the pious nature of his authorial voice, it enables him to emphasize the truth of his claims, and as such it can be associated with poetry itself, or at least with the kind of poetry that Pindar wishes to produce. It is significant that Pindar never refers to himself as a witness nor swears an oath

35 Race 1997, ii, 79 n.2. For a more detailed discussion of the meaning of this difficult passage see Burnett 2005, 197–8 (though Burnett treats the poetic "I" as the choral voice).

36 Carey 1981, 166.

37 Lefkowitz 1991, 140.

38 On the importance of truth for Pindar and his poetics, where the truth, *alētheia*, is intrinsically connected with memory through its etymological meaning as "un-forgetting", see e.g. Bowra 1964, 26–33, Nisetich 1980, 129, Hubbard 1985, 100–6, Pratt 1993, 115–29, Segal 1998, 105–32.

39 Archilochus is mentioned in negative terms as a poet of blame in *Pyth.* 2.54–6; cf. Most 1985, 186–7, Goldhill 1991, 141, Pratt 1993, 120, and the detailed discussion of the association of truth and praise in Pindar by Park 2013.

when discussing mythological events, as observed by Most.[40] Oaths are reserved for praise of the victor,[41] since "in composing mythical narratives, even the truthful poet of praise fictionalizes."[42]

Most stresses the legal aspect of the language of oaths and witnessing, suggesting that Pindar is careful to avoid such expressions when referring to events of which he does not have a personal knowledge.[43] However our final example of a Pindaric oath sworn in the authorial persona is one which serves to suggest the truth behind an ultimately unprovable claim, so that the connection between truth and authorial oaths seems to be of the utmost importance. In *Nemean* 11 (for Aristagoras of Tenedos on his installation as a councillor), Pindar suggests that the honorand had the potential to be victorious at wrestling in both Pythian and Olympian games if only his parents' extreme caution had not kept him away. "Indeed, upon my oath (ναὶ μὰ γὰρ ὅρκον),[44] in my judgment, had he gone to Castalia and to the well-wooded hill of Cronus, he would have had a more noble homecoming than his wrestling opponents" (*Nem.* 11.24–6). Pindar is careful to qualify his oath concerning a hypothetical outcome of events that did not occur with the phrase "in my judgment" (ἐμὰν δόξαν). It is noteworthy that Pindar does *not* do this when he makes sworn statements that are highly subjective in lavishing exaggerated praise on the ode's addressee. Who is to say, for example, whether or not Theron of Acragas really *is* the most generous man any city has produced for one hundred years (*Olymp.* 2.92–5), or whether Hagesias of Syracuse can reasonably be compared with the mythical Amphiaraus (*Olymp.* 6.15–21)? Pindar's use of the authorial persona's oath in these cases enables him to present opinion as fact. Elsewhere, as we have seen, Pindar swears oaths emphasizing the truth of his praise for the athletic victories of his honorands, and it seems he has imported the technique into *Nemean* 11 and adapted it to suit an ode which was not written to commemorate an athlete.

Like Pindar, Bacchylides uses oaths in the authorial voice to stress the truth of his praises since he too seeks to present poetic truth.[45] Interestingly, Bacchylides

40 Most 1985, 176–7.

41 Pratt 1993, 122–3.

42 Pratt 1993, 125; see also Bundy 1986 [1962] 3–4, and Gerber 1982, 69–70 on Pindar's language of truth and falsehood as a rhetorical device. Carey 1995b, 99–103 discusses the fiction of spontaneity in the composition of Pindar's odes.

43 Most 1985, 176–7.

44 The expression is ambiguous, meaning either "I assert by my oath" or "By Horkos". The latter would be an unusual invocation of the personification of Oath as a god, but it would suit Pindar's compressed poetic style. For further discussion of the god Horkos, see §12.1.

45 Carey 1999, 19, notes that the use of the oath for creating authority is one device shared by

has a completely unique way of expressing his authorial oath, which eschews oath-language but makes reference to "resting a hand on the earth" (8.19: γᾷ δ' ἐπισκήπτων χέρα, cf. the more compressed 5.41: γᾷ δ' ἐπισκήπτων) while making a statement. The action, as noted by *LSJ* (*s.v.* ἐπισκήπτω II.3), is tantamount to calling the Earth (as goddess) to witness the statement.[46] Only two examples survive. In one passage Bacchylides declares (πιφαύσκω) that the dust of faster horses had never yet besmirched the horse of Hieron of Syracuse (as single-horse victor at Olympia in 476 BC) in a contest as it rushed towards the finish line (5.41–5).[47] The ode was composed to commemorate the same occasion as Pindar's first *Olympian*, which does not contain a first-person oath.[48] It is possible that Bacchylides composed this victory ode with Pindar competitively in mind. Bowra discusses Bacchylides' unusually rich use of bird imagery here where lesser birds shrink from the metaphorical eagle of song, an uncannily similar pattern to that used by Pindar in *Olympian* 2, where (as we saw above) it is speculated that Bacchylides may have been designated as a crow.[49] If he was indeed attempting to rival Pindar, it is interesting that he includes a first-person oath to stress the truth of his praise. In Bacchylides' only other first-person oath he will make his boast (κομπάσομαι) that no boy or man among the Greeks has won more victories in his age group (8.19–21).[50] The statement includes the parenthesis "every debt shines with truth" (8.20: σὺν ἀλαθείᾳ δὲ πᾶν λάμπει χρέος), where the debt is "the debt of praise owed by the poet to the victor", and the oath contributes to "an especially emphatic praise of the victor".[51] Moreover, as Calame notes, "the poetic word's authority is all the more imperative" in this ode because κομπάσομαι "is the 'performative future' and thus corresponds to the act of singing."[52] This use of the future gives the illusion of spontaneity to the performance, and is a technique

Pindar and Bacchylides. Pratt 1993, 116 observes that "Bacchylides' interest in poetic truth is expressed more directly than Pindar's, and he has virtually nothing to say about poetic lying or deception in his surviving verse." See also Burnett 1985, 58–9 on the association of truth and praise in Bacchylides.

46 See §6.3 on gestures in oath-taking.

47 Presumably, this means that the horse has won every race in which it has run.

48 Both odes seem to have been commissioned by Hieron, see Schmidt 1987.

49 Bowra 1964, 10–11. Other models also suggest themselves. Maehler 2004, 113 notes that the eagle scene is reminiscent of the flight of Persephone's chariot in the *Homeric Hymn to Demeter*. It seems clear, however, that the eagle in both *Olymp.* 2 and Bacch. 5 represents the poet. For further discussion, see Cairns 2010, 219–20.

50 The ode was probably written for Liparion of Ceos; see McDevitt 2009, 148–9.

51 McDevitt 2009, 150.

52 Calame 2011, 123.

employed by Pindar and by other lyric poets,[53] and we have seen that Pindar also uses the performative future with an oath in *Olympian* 2 when he states "I will proclaim a statement on oath" (*Ol.* 2.92 αὐδάσομαι ἐνόρκιον λόγον).[54] Both Bacchylidean oaths are comparable to Pindaric sworn statements in their effusive praise of the addressee, but the notion of placing a hand on the earth raises an important question regarding performance. Did the performer(s) actually place a hand on the earth while reciting the passage? This would have made a striking dance move, and while the question cannot be answered with any certainty, it is worth noting that without the hand gesture there would technically be no oath, since the gesture itself is what constitutes calling the Earth to witness, turning the statement into an oath. If Bacchylides' use of the first person oath was in any way meant to rival Pindar's, then it stands to reason that the gesture was made in order to guarantee the oath's validity.

Elsewhere in lyric poetry oaths in the authorial voice are rare. Only the works of Sappho and the anonymous *Theognidea* contain one example each of an (informal) oath sworn in the authorial persona. The relevant passage from Sappho is a fragment (fr. 95.9–10) in which the poet states that she no longer gets any pleasure from living, "by the blessed goddess" (οὐ μὰ γὰρ μάκαιραν). Sappho, whose surviving poetry is mostly love poetry of an often intimate nature, never (so far as we can tell) declares her love or desire for an addressee on oath. In the only example we have of an oath in the authorial voice Sappho chooses instead to stress her lack of joy in life and her desire to die, presumably as a result of a love-sickness.[55] This kind of sentiment can be effectively emphasized by an oath, which immediately implies that the statement is true and, in this case, weighty. Moreover the emphatic woe of the speaker stresses the desirability of the unattainable lover, so that this oath made in the authorial voice is comparable in function to those made to praise an honorand in epinician poetry. The statement is probably made

53 See W.J. Slater 1969 and Carey 1995b, 99–103.

54 Pfeijffer 1999, 23, notes that "the announcement is directly followed by its fulfillment" in this and other examples of first person futures in Pindar. For an oath offered (with a future tense) but not sworn, cf. *h.Herm.* 274–6 with §7.3.3.

55 Boedeker 1979 gives an illuminating analysis of the imagery exploited in Sappho fr. 95 and demonstrates that "Acheron is transformed to a world of love" which reinforces "the erotic nature of the death-wish" (49), suggesting further that "the desire to die is caused by unfulfilled love" (51).

to Hermes,[56] so that if the oath is indeed made in the poet's voice,[57] the interaction with a divinity reveals a fictionalized rather than an actual self.[58]

The informal oath in the anonymous *Theognidea* is at the other end of the emotional spectrum.[59] The authorial voice claims, "by Zeus" (ναὶ μὰ Δί') that even if one of those in the house is sleeping well wrapped up, the revel (*kōmos*) of the poet and his band will be eagerly welcomed (1045–6). In other words, even someone who is sound asleep will be delighted to welcome the revellers. One would imagine such a scenario to be highly unlikely, unless, of course, the poetry performed by the revellers is so irresistible that it could charm even someone woken from a deep sleep. The oath is linked to the poet's sense of the value of his own poetry here far more directly than in Pindar, where oaths (as we saw) are associated with excellent poetry by virtue of their association with the truth. Theognis is not shy about drawing attention to his poetic skill when, for example, he asks his friend Cyrnus to lock away his verses, suggesting that if they are stolen all will recognize them as his work since his name is famous everywhere (19–24). It seems that Theognis was keen to defend his worth after political upheavals in which he was disfranchised and exiled,[60] and it is remarkable that all the references to oaths in the anonymous *Theognidea* relate to the dangers of oaths except for this one example in the authorial voice. So the listener is warned not to gain wealth by a false oath because the gods will prevail (197–202), and not to trust anyone in any sworn pledge of friendship, not even if he has invoked the king of the immortals Zeus as his guarantor (283–6). The good man should shun ruinous perjury and avoid the immortals' wrath (399–400). One should never swear that something will never be since the gods resent it and they control the outcome (659–60). How is it possible for a righteous man, the kind who does not commit perjury, to suffer unrighteously (745–6)? One should not raise up a tyrant nor make a sworn conspiracy to kill one (823–4). The judicial oaths of men can no longer be trusted (1139). If we take the corpus as a whole, a consistent view emerges of a poet who believes in the value of his own poetry and of his own oath

56 Boedeker 1979, 44–5 summarizes the arguments.

57 It is possible that the first-person speech was attributed to a particular character in a lost part of the poem; see Boedeker 1979, 43.

58 Cf. Stehle 1997, 300, and Burnett 1983, 294 who speaks of "Sappho (a fictional Sappho)".

59 In referring to Theognis versus the anonymous *Theognidea*, I follow the groupings of M.L. West 1993, although the relevant passages are discussed together and a speculative conclusion is reached regarding a coherent authorial attitude to oaths in these texts.

60 M.L. West 1993, xiv, and see Cobb-Stevens 1985 on the unsettled political world of Theognis; Figueira 1985, 155 notes that the theme of exile is prominent in the *Theognidea*, and Selle 2008, 158–65 gives a useful summary of themes within the corpus.

but who has reason to distrust the oaths of others after (one presumes) having been betrayed.[61]

Our final examples of a poet swearing in the authorial voice are rather different in the sense that, whatever arguments are made concerning the poetic "I" in lyric poetry, the "voice of Aristophanes" is certainly conveyed by a chorus member rather than by the poet himself but the sentiments expressed relate directly to the real Aristophanes. Both oaths stress the poet's disappointment at the lack of appreciation for his first production of *Clouds*, which had been ranked third and last at the City Dionysia of 423 BC, but they represent two distinct modes of authorial communication. In *Wasps*, produced the next year, at the Lenaea of 422 BC, the chorus reports in their own fictional identity that Aristophanes swears vehemently "by Dionysus" that no one ever heard better comic poetry than his *Clouds* (*Wasps* 1045–6).[62] In the revised *Clouds*, which (unfortunately) was never performed, the chorus-leader speaks as if in the person of Aristophanes (518–25). He swears a formal oath "by Dionysus who reared me" that he will tell them the truth, namely that he thought the Athenians were clever and that the original *Clouds* was his most intellectual comedy (but he was defeated undeservedly by vulgar men). Unusually, rewards are specified for giving a true oath but no punishments are named: may Aristophanes be victorious and may he be thought of as clever (*Clouds* 520). This is apparently the only known oath in our entire period in which there is a specification of blessings but none of curses; moreover, Aristophanes here mentions only rewards that are wholly within human control, whereas elsewhere, when blessings are specified at all, they are normally divine in nature.[63] The oath is a way of soliciting votes from the judges and of promoting

61 M.L. West 1993, xiv, describes Theognis as "a man…who finds himself betrayed by those he trusted". Another lyric poet who was betrayed by an alleged perjurer is Alcaeus. The author reports that he swore a pact with his comrades in Lesbos that they would never abandon any of their company, but either die at the hands of men who came against them or kill them and rescue the people from their woes (fr. 129.13–24). The poet's invective is launched against Pittacus (son of Hyrrhas) for "trampling on the oaths" of his fellow men in joining the tyrant Myrsilus and sharing power with him. The issue is also referred to in fr.306(g).9–11 and possibly in fr. 167.1. In fr.129 Alcaeus calls for an avenging curse to pursue Pittacus, but in fact, Pittacus would be chosen as dictator in 590 when Myrsilus died, and ruled till 580. The authorial voice here is rather different than in our other examples since the poet is not making a statement on oath within his own poetry but is rather using his poetry to discuss the breach of an oath he had sworn in a pact with others. Archilochus also casts a former friend (Lycambes) as a perjurer in fr. 173, on which see further § 5.3.

62 Cf. **§ 6.3 on the sanctifying features of this oath.**

63 An exception is the Hippocratic *Oath*, which (I argue) is unusual for this reason (see ch. 14).

the quality of the drama.[64] Moreover, if the oath is true, and we can reasonably assume that Aristophanes really did believe that his *Clouds* was under-appreciated, it cleverly implies that Aristophanes' play *must* win, and that he *must* be thought of as clever, and it is regrettable that the rhetoric was never used on any real judges.

The authorial voice presented by the chorus in *Clouds* undisputedly represents the identity of its creator Aristophanes who is bringing to the fore a deeply personal issue. In the *Wasps* passage, the author is referred to in the third person rather than in the first, and although this means that the poetic "I" is technically absent, it is not far away.[65] Certainly the presence of Aristophanes' voice in his plays is more obvious than that of Xenophon in the *Anabasis*, who disguises his authorial voice in several ways as we shall now see. We can conclude here by observing that oaths in the authorial voice tend to be used in poetry for the purposes of praise, either of an honorand as in Bacchylides and Sappho, or of the poet's own skill as in the anonymous *Theognidea* and Aristophanes, or both as in Pindar.

13a.3 Xenophon

The case of first-person oaths in Xenophon is quite unique. He appears as a character in the *Anabasis* and briefly in the *Memorabilia*, and the former of these works will be the most important for our discussion. Although ostensibly a historical narrative of events in which the author played an active role, the *Anabasis* is carefully constructed with a substantial degree of literary artifice, which utilizes a unique narrative strategy.[66] The "anonymous" or "pseudonymous" narrator describes the actions and speeches of Xenophon in the third person, or in reported first-person discourse, which provides a strong first-person presence in spite of the layers of mediation between Xenophon the author and actual historical figure and Xenophon the character. The issue is complicated further by the fact that Xenophon famously claimed in his *Hellenica* (3.1.2) that Themistogenes of Syracuse was the author of the *Anabasis*. Plutarch commented on this, observ-

64 On self-promotion in the dramas of Aristophanes, see M.E. Wright 2012, 71–7, who argues for an ironical reading of the relevant passages.

65 Compare the *parabases* of *Acharnians* and *Peace* where the poet starts by being third person and then, without warning, shifts into first (at *Ach.* 660 and *Peace* 754).

66 See Bradley 2010 for full discussion of the *Anabasis* as a unique manipulation of genre and narrative.

ing that Xenophon was more persuasive in writing about himself as if about another (*Moralia* 345e).[67]

In other authors, first-person oaths stress the presence, opinion, or experience of the author as speaker and can represent an intrusion of the authorial voice into an otherwise fictional or mythological context (as in Aristophanes or in Pindar). In Xenophon's *Anabasis*, by contrast, the artificial degree of separation between "author" and "persona" is such that oaths placed in the mouth of Xenophon the character appear impartial and objective, in spite of the fact that Xenophon the author has a vested interest in presenting Xenophon the character in as positive a light as possible. Xenophon the character is successfully presented as a moderate and pious man, a good (if reluctant) leader who cares about the welfare of his troops. The oaths he swears help to create this persona and by swearing oaths that are shown to be true, his piety is confirmed. Moreover the statements made on oath, which mostly concern his care for his troops and his defence against a variety of charges, demonstrate in an apparently disinterested fashion that Xenophon is an exemplary leader.

The first such oath in the *Anabasis* comes in the report of an outrage committed by some Greeks in Cerasus who start a riot of stoning in which three ambassadors are killed. The rioters then arrive at the camp of the Ten Thousand while the Cerasuntians are holding discussions with the generals concerning the burial of some soldiers recently killed. The Cerasuntians flee back to their ships in terror (*Anab.* 5.7.19–22), and "by Zeus", says the character Xenophon, "some of our own were afraid" (5.7.22). The point is carefully made. The troops are not as fearful as the Cerasuntians who flee, and clearly Xenophon was not afraid since he goes up to the men to ask what the trouble was (5.7.23). In fact, he uses the episode as a platform from which to expose the negative impact of impious and lawless behaviour (5.7.23–33). Upon his recommendation it was then resolved to purify the army (5.7.35). The seemingly conversational oath by Zeus thus serves to emphasize the bravery and wisdom displayed by Xenophon as a leader, in contrast to the troops who were afraid or behaving impiously.

The character Xenophon also uses oaths to defend himself against charges of inappropriate behaviour. When accused of beating his men unfairly, for example, he had replied "by Zeus" that since his accusers had taken no stand, neither coming to the aid of the men being beaten nor joining in the beating, they must have deemed the action to have been justified (*Anab.* 5.8.21). Imme-

67 For a discussion of Xenophon's reasons for writing the *Anabasis*, see Cawkwell 2004, esp. 59–67. Grethlein 2012 discusses how the narrator often takes on the perspective of Xenophon the character thus contributing further to his positive and apparently impartial representation.

diately preceding the oath, the accusation had been lightened by a humorous self-depreciation,[68] where Xenophon claims that he now drinks more wine than he did before but is hitting no one since he sees that the men are in "fair weather" (5.8.19–20), i.e. that there is no emergency justifying drastic action. Since drinking makes physical violence more likely, Xenophon cleverly demonstrates that he is self-controlled by nature. The statement on oath then presents his action not only as entirely justified, but also as the decisive measure taken by a natural leader in the face of indecision.

The majority of oaths sworn by Xenophon's character, however, cluster around the accusation that he gained wealth at the expense of his men. In a series of oaths, Xenophon stresses not only that he has made no material gain, but also that the welfare of his troops is his foremost concern. The issue arises after Xenophon had persuaded the men to serve as mercenaries in the army of the Thracian prince Seuthes during the winter of 399, but the men fail to receive their agreed wages. Xenophon is presented as defending the interests of his army when Seuthes' retainer Heracleides claims that there was only money available to pay the men for twenty days of the previous month. Xenophon becomes enraged and "replied with an oath" (*eipen epomosas*) that Heracleides was not caring for the interests of Seuthes. If he had been, he would have paid the Greeks in full, even if it meant borrowing money or selling his own clothes (*Anab.* 7.5.5). The insignificant Heracleides is blamed so that a direct confrontation with Seuthes is deftly avoided. Heracleides is infuriated by Xenophon's insults and proceeds to slander him before Seuthes "to the best of his ability" (7.5.6). As events develop, Xenophon's leadership is challenged further when the Spartans come to recruit the remainder of the Ten Thousand and Heracleides and Seuthes, seeing their chance to end the service of the Greeks without settling their payment, invite the Spartans to solicit the troops predicting that they will quickly abandon Xenophon. An unnamed soldier accuses Xenophon of having profited at the expense of the troops and he is followed by another and another (7.6.9–10). The scene is set for Xenophon to give his defence speech.

Xenophon swears "by Zeus" that he had turned back after he had set out for home because he had heard the men were suffering and so he returned to help in any way he could (7.6.11). He then swears a formal oath "by all the gods and goddesses" that he has not even received what Seuthes promised to him for his own services and that since Seuthes is present, he knows well whether or not Xenophon is swearing falsely (7.6.18); and he swears in addition (*sunepomnumi*) that he has not even received as much as the other generals or even as some of

68 Flower 2012, 105 discusses this technique.

the captains (7.6.19). Xenophon's use of oath-language here is reminiscent of the pattern we saw in Aeschines and Demosthenes (see p. 349) where more serious oaths involve the invocation of more elaborate oath-witnesses than the common informal oath formula "by Zeus". This weaker formula is used in Xenophon's next oath when he anticipates, precisely in the manner of the imaginary objector (*eipoi … tis an*), that he will be asked whether he is ashamed of being so stupidly deceived by Seuthes. He swears "by Zeus" that he would have been ashamed to be deceived by an enemy, but that in dealings between friends it is deceiving (not being deceived) that is shameful (7.6.21).

Xenophon's main claim, that the welfare of his men is his prime concern, is immediately validated after he has finished his speech by the Spartan Charminus who swears an oath relating a mildly exaggerated version of Seuthes' criticism of Xenophon as a man who is a friend to the soldiers (made at *Anab.* 7.6.4), now repeated as being "too much a friend to the soldiers" (7.6.39). The oath, which is an ethnically appropriate invocation of "the twin gods" (*tō siō*),[69] smacks of impartial authenticity, and as Flower comments, "the fact that Seuthes makes this remark and that the Spartans believe it is proof for the audience that Xenophon was not in fact receiving money from Seuthes and did not deceive his fellow Greeks."[70] Xenophon twice more swears formal oaths protesting his innocence in relation to these accusations, both in a private meeting with Seuthes. He calls the gods to witness that he had neither received anything from Seuthes that was intended for the soldiers, nor asked for his private use anything that belonged to them, nor demanded from Seuthes what he had promised (7.7.39). Of course, as Flower observes, he never claims that he did not receive payment for his position as general;[71] and in the final oath protesting his innocence, Xenophon swears (*omnumi*) that even if Seuthes had offered to pay what was due to him, he would not have accepted it unless the soldiers were also to recover what was due to them (7.7.40). The veracity of such a statement can be neither confirmed nor refuted since it is an oath (and a formal one) about what Xenophon would have done in a hypothetical situation that never actually existed. It is thus a particularly pure case of a statement for which the oath provides the sole possible means of confirmation. Whether or not the audience believes the statement depends to a large degree on whether or not Xenophon is the kind of person who would use

69 The oath "by the twin gods" (i.e. Castor and Polydeuces) was specifically a Spartan oath; see further §13.1. On occasional references to the different religious customs of the different ethnic groups among the Ten Thousand, see Parker 2004, 139–40.

70 Flower 2012, 164.

71 Flower 2012, 158.

oaths impiously, and Xenophon the author works very hard to make us believe that Xenophon the character would *not* have done so.[72] Therefore the audience is guided implicitly to believe Xenophon's sworn statements.

Xenophon's actions in the *Anabasis* are consistently validated by acts of divination,[73] and two further passages contain oaths sworn by Xenophon presented in conjunction with sacrificial divination. In a passage relating to the sale of his horse, Xenophon is reported to have stated on oath (*epomosas eipen*) to the seer Eucleides that he would not have enough money to pay his travelling expenses on the way home unless he sold his horse and his personal belongings (*Anab.* 7.8.2). Eucleides did not believe him, but subsequently realized that Xenophon was telling the truth when he saw the sacrificial offerings (7.8.3). This is, chronologically, the last oath sworn by the character Xenophon in the *Anabasis*, and it is a rhetorical *tour de force*. The passage is important for addressing the potential for audience incredulity regarding Xenophon's alleged poverty.[74] However the audience is also presented with an objector (actual rather than imaginary) to Xenophon's *oaths* and with one who is a religious expert. The seer then uses his skill at divination to determine that Xenophon's oath was truthful! The narrator is conveniently silent on what sign from the sacrifice would have confirmed this,[75] but if the audience ever had reason to suspect any of Xenophon's previous oaths, even minor doubts can now be firmly dispelled.

Sacrificial signs are decisive and authoritative factors throughout the narrative of the *Anabasis*. In particular, signs from the gods are presented as corroborating Xenophon's decision to decline the command of the Ten Thousand in the first instance. Sacrificial offerings, the oracle of Apollo, a dream and bird omens are all mentioned (*Anab.* 6.1.22–24), and he further confirms with a formal oath, swearing by all the gods and goddesses, that when he became aware of the army's intention to elect him as sole leader, he offered sacrifices and the gods revealed clearly that he must not accept the command (6.1.31). The decision proved fortuitous since Cheirisophus, who did accept the leadership, only managed to hold on to it for a few days due to the dissatisfaction of the army. It is beyond the scope of the present study to delve deeper into Xenophon's broader use of oaths in his writings, but already we have noticed some distinctive trends. We saw in §6.3 that

72 Cf. Flower 2012, 159. Dillery 1995, 182–6 discusses Xenophon's religious views, and comments on "Xenophon's profound commitment to the sanctity of the oath" (184).

73 On this issue see e.g. Parker 2004, who comments at 133: "For Xenophon, one might say, Greek religion is above all a religion of divination"; cf. also Flower 2012, 33–4.

74 See Flower 2012, 213.

75 Cf. Parker 2004, 145 who points to "our ignorance of exactly how 'good' and 'bad' omens were determined".

Xenophon mentions the handclasp as a sanctifying gesture in various oaths as a means of stressing both friendship and betrayal. Here we see that Xenophon, the third-person character in the *Anabasis*, is made to swear a cluster of oaths, most of which are formal, and all of which pertain to his self-presentation as a pious leader whose primary concern is for the welfare of his army.

Xenophon's writings contain just three further oaths sworn in the various manifestations of the authorial persona, all of which are informal. The character Xenophon swears one in the *Memorabilia*, and two more are sworn by the narrator, one in the *Hellenica* and one in the *Constitution of the Spartans*. Each of these oaths conforms to patterns of authorial swearing that we have already noticed in the *Anabasis*. They are used to create the illusion of impartiality in representing the character Xenophon (*Mem.*), or to stress that wealth is undesirable. In the *Memorabilia*, as in the *Anabasis*, although in a far more minor role, the character Xenophon is introduced in the third person "in order to secure an impression of objectivity and hence persuasive force".[76] This sense of objectivity is increased by the fact that Socrates shows Xenophon to be foolish (*Mem.* 1.3.8–13), and it is in this exchange that the oath occurs. Xenophon is surprised to discover the apparent dangers of a mere kiss to a pretty face. Socrates then asks Xenophon to confirm that venomous spiders although small creatures can inflict excruciating and maddening pain if they fasten on the mouth. "Yes by Zeus" (ναὶ μὰ Δί') confirms Xenophon, because they inject something with their bite (1.3.12). Socrates is now free to deliver his concluding point, namely that a pretty face is *more* dangerous than a venomous spider since it can inject a maddening poison from afar (1.3.13). The oath here serves to heighten the image of Xenophon as a disciple of Socrates, learning from Socrates' wisdom.

Our final two authorial oaths in Xenophon are statements made by the narrator. In the *Hellenica*, the narrative "I" intrudes to stress "by Zeus" (ναὶ μὰ Δία) that it seems well worth while to consider what Teleutias did to inspire his men to be well disposed to him, adding that this is a more noteworthy accomplishment for a man than amassing money or facing many dangers (*Hell.* 5.1.4). We will later discover that it was his devotion to their welfare and his willingness to share their hardships that gained their favour (5.1.14–15). It is remarkable that this single oath in the authorial voice from the *Hellenica*, our only oath in the authorial voice from all surviving fifth- and fourth-century historiography, should echo precisely the qualities stressed on oath by Xenophon's character in the *Anabasis* regarding his own leadership qualities. Given the fact that we are told in the *Hellenica* that the *Anabasis* was written by someone other than Xenophon, it seems that Xeno-

76 Gray 2004, 377, and for more detail see Gray 1998, 94–104.

phon may have exploited the first-person oath with his direct authorial voice in the *Hellenica* to stress the leadership qualities of Xenophon the character in the *Anabasis*, albeit implicitly, by virtue of the fact that they are entirely comparable to those of Teleutias. Certainly it is uncanny that the statement made on oath in the first person is so similar in its concerns to the first-person oaths made by Xenophon the character in the *Anabasis*.

The authorial oath from the *Constitution of the Spartans* also expresses a related concern, confirming the negative power of wealth in a more general way. Towards the end of the treatise, the narrative "I" states emphatically: "should anyone ask me whether I believe that the laws of Lycurgus remain unchanged to this day, this by Zeus (μὰ Δία) I could not say with any confidence" (*Lac.Pol.* 14.1). The statement is provocative since any contemporary Spartan, asked the same question, would presumably have responded "of course!", and Xenophon's carefully crafted exploitation of the first-person oath elsewhere in his writings suggests that this oath too is purposely inserted for rhetorical effect. We are subsequently told that Spartans used to prefer living moderately rather than being corrupted by flatterers in other cities (*Lac.Pol.* 14.2), and that they were formerly afraid to appear to be in possession of gold whereas now some even boast of it (*Lac.Pol.* 14.3). In what is ostensibly a work praising Sparta, the criticism is unexpected and it has been explained, by some, as representing Xenophon's disappointment with his contemporary Spartans.[77] Others, however, have stressed that a tension between praise and veiled criticism is present throughout Xenophon's writings on Sparta,[78] and Noreen Humble has argued that certain flaws in the Spartan system are implied through the first thirteen chapters of the *Constitution of the Spartans* so that "Chapter 14...provides an insightful summary" of those flaws.[79] Humble suggests that Xenophon saw how, through the Lycurgan system, Sparta came to power and then fell, and that it was "this paradoxical quality of the Spartan system" with which Xenophon was concerned in this particular work.[80] The oath in the authorial voice supports this interpretation since it too is paradoxical in its expression. Its language implies that the laws of Lycurgus may no longer be in place (or that contemporary Spartans are no longer adhering to them), but the statement is formulated around whether or not Xenophon

77 For example, Lipka 2002, 33–4 suggests that "Chapter 14 [of the *Constitution of the Spartans*] ...deserves a high degree of credibility, if only due to its unexpected criticism of Spartan affairs". See Humble 2004, 215 with nn. 2 and 3 for further references.

78 See Strauss 1939, Higgins 1977, 65–75, Proietti 1987.

79 Humble 2004, 225.

80 Humble 2004, 227.

believes this to be the case, and he does not actually commit to an opinion. In other words, he does not censure the Spartans, but by raising the question at all and by marking it with an oath in the authorial persona, he paradoxically implies a deterioration in the Spartan system which he claims to be unable to determine.

13a.4 Three more authorial oaths in prose texts

Outside Xenophon, Aeschines and Demosthenes, we rarely find first-person oaths in prose authors of the classical period. In one fragment of Antisthenes (fr. 187.4–5 Giannantoni), the author apparently swears "by Zeus" (μὰ Δία) that Homer did not make the character of wise Nestor treacherous and duplicitous. The statement is made during a discussion of portrayal of character in Homer where Antisthenes is concerned with defending the reputation of Odysseus, who, he says, is more blamed than praised by the poet in comparison to other characters. We cannot say for certain that the oath belonged to Antisthenes' original text since the passage is reported by Porphyry in a scholium on *Odyssey* 1.1. However, the expression would be at home in the genre, and we cannot rule out the possibility that Porphyry's report is quoted carefully. The oath here signifies that no one could doubt the integrity of Nestor's character, creating a contrast between Nestor and the other characters mentioned (Agamemnon, Ajax and Achilles). The oath suggests that Nestor is even more noble than the others, so that an oath in the authorial person is here used once again for the purpose of praise.[81]

It is, by contrast, the *lack* of nobility which is emphasized in the authorial oath from *Letter VII* attributed to Plato. In the letter, written ostensibly by Plato to the friends and family of the dead Dion, the author swears "by the gods" (νὴ τοὺς θεούς) that Dionysius did indeed make an agreement not to harm Heracleides (349b4–7). The exchange reported takes place during Plato's third Sicilian visit. Dionysius has just angrily denied making any such agreement with Plato, "looking at [him] in a very tyrannical fashion". It is technically true that he did not make the agreement "with Plato" since he made the promise to Theodotes the previous day in Plato's presence (348d-349b), but the use of an oath here emphasizes what is important, namely that the agreement had been made. The tyrant's failure to keep his agreements is thus stressed.

Our final example comes from the works of Aristotle, which contain just one oath in the authorial voice. This occurs in *Politics* (1281b18) where we are told, "by

81 On the treatise in which this passage occurs, and on Antisthenes' defence of Odysseus more generally, see Montiglio 2011, 20–37.

Zeus" (*nē Dia*) that perhaps it is clear that in certain collectivities it cannot possibly be true that the many have more intelligence than the few. The concept being discussed here is that the many have more intelligence than the few because there are more of them, and a collective judgment will be better than the judgment of a few regardless of intelligence. But this may not always be true, and in some cases it most certainly is not. For example, many animals will not have more intelligence than a few men – and, Aristotle adds, there are some humans who for all intents and purposes are no better than animals. However, he immediately goes on to say that a blanket rejection of the "wisdom of crowds" principle would be equally unjustified (1281b18–21). The oath "by Zeus" is the weakest form of informal oath (see §13.2) and here it emphasizes a conjecture qualified by "perhaps" (*isōs*), but the passage is noteworthy all the same. Aristotle swears here in his own name for the only time in his entire corpus, and he does so to emphasize a claim that (in effect) democracy is not always the best form of government, and adds, irrelevantly (and contrary to his own theories of the soul and of mental faculties), that "some people" are "no different from animals." The conversational form of this type of informal oath is perhaps an indication that Aristotle has let his guard down momentarily: he asserts on oath a statement which he believes to be true, even though he subsequently tries to cover his tracks.

13a.5 Conclusions

Although oaths in the authorial persona appear in a diverse range of genres, each of which has its own idiosyncrasies and agendas, we can nevertheless discern a general pattern in which authors consistently introduce oaths in the authorial persona to stress that something is especially worthy of belief. We have seen that Xenophon's use of oaths in the authorial person, the vast majority of which occur in the *Anabasis*, is unique, since it appears to present an impartial record of events in which Xenophon the character is distanced from Xenophon the author. It is significant, however, that of the remaining authors who most often use first-person oaths in their works, two pairs of rivals emerge: Aeschines and Demosthenes, and Pindar and Bacchylides. The two authorial oaths of Aristophanes are also delivered in a context of rivalry. It seems possible, then, that certain authors include first person oaths in their own works as part of a framework of rivalry. We have already noted that among the orators oaths in the authorial voice only occur in the speeches of the political rivals Aeschines and Demosthenes, and we also saw how one of Bacchylides' two surviving first-person oaths (5.41) occurs in an ode written to commemorate an event which Pindar's first *Olympian* also

celebrates. Use of first-person oaths may have developed in these authors, in part at least, through their responses to each other.[82]

Another distinctive thread in our discussion has been exploitation of the first-person oath by poets to stress the value of their own work, as occurs most obviously in Pindar, the anonymous *Theognidea*, and Aristophanes, or to elevate praise of an honorand (as in Pindar, Bacchylides, and possibly Sappho). Nevertheless, we are left to account for the absence of the authorial oath in some of the major authors of the archaic and classical periods. This can be explained by looking at the narrative techniques of the relevant authors. In Homeric epic the poetic "I" is virtually absent,[83] and the narrator's voice, which plays an important role in the *Odyssey*, especially, exists there in a complex relationship with Odysseus' own narrative voice.[84] Mark Griffith has demonstrated that "according to the conventions of heroic and hymnic poetry, we should not expect [the poet] to intrude himself or his personal opinions there."[85] This analysis holds for the Homeric epics, for the Homeric Hymns which are not strongly tied to a specific location or occasion,[86] and for Hesiod's *Theogony*.[87] As for the absence of first-person oaths in Hesiod's *Works and Days*, where the poet frequently speaks in an authorial voice, I would suggest that this can be explained by considering the content of the poem. Authorial oaths in poetry are intrinsically linked with praise, either of the honorand or of the poet, but Hesiod's *Works and Days* is not concerned with praise. Rather, Hesiod famously claims that he will tell *etētuma* "things as they are" (10).[88] The type of poem, didactic rather than honorific, helps to explain the lack of authorial oaths, as does the representation of oaths in the *Works and Days*. In the *Theogony* the binding nature of oaths and punishment for their breach is stressed, both for mortals and for gods (231–2, 400, 784, 793–806). In *Works and Days*, however, the first mention of oaths comes in a prediction for

82 In a different context, oaths could also be used to cap a rival's claims in comedy where the capping of one oath by another might be exploited as a clever rhetorical technique. See Sommerstein 2007b, 127–8 and §13.2, p. 335.

83 The opening invocation of the Muse in the *Odyssey* contains the personal pronoun (μοι "to me") but the equivalent invocation in the *Iliad* does not.

84 See Goldhill 1991, 1–68, Segal 1994, 113–86.

85 Griffith 1983, 50.

86 See Griffith 1983, 44–6.

87 For a defence of this view of Hesiod's *Theogony*, see Griffith 1983, 50–5.

88 Clay 2003, 78 stresses this aspect of *Works and Days* in contrast to the *Theogony* whose purpose is to praise the gods. Stoddard 2004, 191, makes the radical suggestion that "Hesiod adopts the role of the *unreliable narrator*" in *Works and Days* (emphasis original). It is unclear why an author would wish to present his own voice as unreliable, but Stoddard states that she will discuss the issue fully in a forthcoming book.

a time in the near future when the righteous man who abides by his oath will receive no reward, while the villain will actively swear false oaths for his own gain (190–4). This lack of regard for the man who keeps his oath resembles the conduct of the poem's addressee Perses, and subsequent references to forsworn oaths being punished (219, 282–5, 803–4) are also warnings to Perses.[89] This negative emphasis on the dangers of oaths and oath-taking, in addition to the didactic nature of the poem, which does not seem to lend itself to first-person oath statements, explains why the authorial oath is absent.

We are left with the absence of authorial oaths in Herodotus and Thucydides. As with Hesiod, this can be explained, in part at least, by looking at each author's attitude to oaths. It is well known that many aspects of traditional religion do not feature strongly in Thucydides, although religion is not entirely absent from his narrative.[90] Oaths do feature regularly in his writing but, as Lateiner has shown, his interest in oaths is very much focused on sworn inter-state agreements, their breach, and how "[o]aths and their violations delicately indicate the decline of traditional social and religious practices, as well as of traditional politics."[91] Since Thucydides' attitude to oaths implies that they are not to be trusted, it makes sense that he avoids making any sworn statements in the authorial voice. At first glance, it is more surprising that Herodotus does not use the technique, but this too can be explained by looking at Herodotus' broader narrative strategies and his attitudes to oaths. Herodotus is prone to giving his audience alternative explanations for various events, phenomena, and cultural customs.[92] Sometimes he voices a preference for one explanation over another, but he tends not to try to present his opinion as fact.[93] Moreover the authorial voice in Herodotus, which is both the voice of the narrator and the voice which focalizes the reports of others, emerges as an early form of the distanced "expert persona" due to the fact that Herodotus eschews relating autobiographical information.[94] This type of authorial voice does not lend itself particularly well to first-person oath-statements, which, as we have seen, are often used to suggest the factual nature of an utterance and represent an especially marked intrusion of the authorial persona

89 See Clay 2003, 38–43.

90 See e.g. Hornblower 2011, 25–53.

91 Lateiner 2012, 170.

92 This is particularly the case with events or issues that are remote in relation to his contemporary Greece. See Hornblower 2002 for an overview of scholarship and further discussion on how Herodotus presents his sources.

93 Dewald 2002, 279 notes that Herodotus' critical comments tend to be speculative opinions rather than expressions of certainty.

94 See Dewald 2002, which supersedes Dewald 1987.

into the narrative. It is telling that there is not a single instance of an informal oath in Herodotus' *Histories*, which is the type of conversational oath most commonly used for swearing statements in the authorial person, and the absence of informal oaths confirms Lateiner's analysis of Herodotus' attitude to oaths: "Herodotus observed the potency of traditional oaths in familiar and alien societies, but he perceived that many oath-takers forswear their oaths or find dubious ways to claim that they had honoured them".[95] Oaths in Herodotus are serious, binding, and dangerous. In this light it is not surprising that he too avoids committing his authorial voice to sworn statements.

95 Lateiner 2012, 169. Cf. T. Harrison 2000, 120 who observes that Herodotus' *Histories* "provide ample evidence of the expectation of perjury."

14 The Hippocratic Oath

I.C. Torrance

The short text in the Hippocratic corpus which is known as the *Oath* has been both influential and controversial, and it has a unique reception history among ancient Greek oaths, surviving as it does in one form or another to the present day.[1] As Jouanna notes: "The roots of modern medical ethics...are to be found in the *Oath*".[2] The *Oath* was ostensibly sworn by men entering the medical profession,[3] and was composed at some point in the fifth or fourth century BC.[4] It is currently best known for its clauses on refraining from giving a woman a "destructive pessary" and from administering deadly drugs. These passages have been coopted and, in some cases, substantially rephrased in order to give historical authority to the condemnation of abortion and euthanasia.[5] At issue in much

1 Some version of the Hippocratic *Oath* is often used as part of graduating ceremonies at medical schools throughout Europe and North America. On the reception of the Hippocratic *Oath*, see especially Rütten 2007, Miles 2004, and Nutton 1997.

2 Jouanna 1999, 129. See also Flashar 1997, 1–3, who discusses some significant modern adaptations of the *Oath*.

3 Although older women often served as midwives, the medical profession in classical Greece was almost exclusively male, and the case of Phanostrate, named a "midwife and doctor" on her late fourth century funeral monument is a rare exception (see Nutton 2004, 100–2 and cf. Miles 2004, 84). As far as the *Oath* goes, we note that the doctor-to-be swears, inter alia, to share his knowledge with his *sons* (not "children") and the sons of his teacher, and that the text is composed with masculine adjectives and participles. The text followed here is that of Littré 1962.

4 Edelstein 1967, 55, suggested the second half of the fourth century but Jouanna 1999, 401–2, leaves the issue open noting that some date the *Oath* to the fifth century and others to the fourth.

5 For example, the National Catholic Bioethics Center's "Restatement of the Oath of Hippocrates, circa 400 B.C." rephrases the clause concerning the destructive pessary (which reads "I will not give a woman a destructive pessary"), and adapts it as follows: "I will maintain the utmost respect for every human life from fertilization to natural death and reject abortion that deliberately takes a unique human life." The passage is mentioned by Miles 2004, 81, and the entire "Restatement" was printed in the program of the Catholic Medical Association's 76th Annual Educational Conference, which took place in Atlanta, Georgia, in October 2007 (http://www.cathmed.org/assets/files/Atlanta%20Program%20Book.pdf, p. 11, accessed 20 October 2013). Similarly, the "Restatement" expands the original Hippocratic *Oath*'s provision on administering lethal drugs. The *Oath* states "I will not give a drug that is deadly to anyone if asked [for it], nor will I suggest the way to such a counsel". This is rewritten by the National Catholic Bioethics Center as follows: "I will neither prescribe nor administer a lethal dose of medicine to any patient even if asked nor counsel any such thing nor perform act or omission with direct intent deliberately to end a human life." Translations of the original Hippocratic *Oath* quoted here are taken directly from

scholarship, however, has been the special nature of the *Oath* which does not seem to be representative of wider practice in ancient medicine.[6]

These issues will not be debated again here. Rather, I would like to investigate how the language, structure, content, and purpose of the Hippocratic *Oath* compare with Greek oaths more generally. Studies of the *Oath* within its ancient context have tended to focus on the relationship between the *Oath* and the corpus of Hippocratic writings as a whole. Some scholars have stressed its anomalous nature, in particular its religious tone, which is largely absent from other medical writings,[7] and it is remarkable that, apart from the *Oath*, the Hippocratic corpus does not contain a single use of oath-language whether formal or informal, in spite of a regular exploitation of first-person statements in several Hippocratic treatises.[8] This is doubtless related to the corpus's focus on scientific and empirical data, evidencing a belief in "a logical causation that is independent of any divine intervention, for good or ill".[9] The *Oath*, then, would seem to be doubly out of place within the corpus, as a religious text which binds the medical student to his craft through the invocation of a series of divinities. At the same time, however, the content of the *Oath* is not entirely inconsistent with concerns found elsewhere in the corpus. Von Staden, for example, has stressed the significance of the term *technē* in the *Oath* and elsewhere in the Hippocratic writings.[10] Moreover, Jacques Jouanna has shown that scientific purpose and traditional religion coexist in those Hippocratic writings where the divine is mentioned, and that Hippocratic rationalism was not atheistic.[11] I will argue that, while the *Oath* con-

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Von Staden 1996, 407. For a general discussion of the Hippocratic *Oath* and its role in modern medical ethics, see Nutton 1997.

6 King 1998, 139 stresses that the termination of pregnancies was "permitted in all classical cultures" and that the *Oath* seems to prohibit only the use of abortive pessaries (cf. Littré 1962, 629). Miles 2004, 81–94, argues that this portion of the *Oath* has been "transformed by history" (82); he discusses the status of women and the practice of abortion in ancient Greece and suggests that this context has not been properly considered in modern uses of the *Oath*. Nutton 2004, 337 n.90 proposes that "it is easiest to take the abortive pessary as representing all abortive methods", although he concedes (68) that the Hippocratic treatise *The Nature of the Child* contains a famous case of abortion and that abortion was practised by various means throughout antiquity. Similarly the reference to administering "a deadly drug" has been variously interpreted as prohibiting euthanasia, vivisection, execution or murder; see Miles 2004, 66–80 for further discussion.

7 See Nutton 2004, 68.

8 G.E.R. Lloyd 1987, 61–9; cf. Von Staden 1996, 418. On first-person oaths in classical Greek literature see ch. 13a.

9 Nutton 2004, 70.

10 Von Staden 1996, 411–14.

11 Jouanna 2012, 97–118.

forms to identifiable norms of oath-taking, it is also unusual and contains several distinctive features which help to explain its place within the Hippocratic works.

In its structure and expression, the Hippocratic *Oath* is, in many respects, typical of a formal oath. The swearer uses the performative verb of swearing (*omnumi*) and invokes a series of context-specific deities, making them witnesses to his oath (*historas poieumenos*). As we saw in ch. 6, the number and context-specific identity of deities invoked could contribute to the solemnity of the oath.[12] In this case, the deities are Apollo the Healer (*Iatros*), Asclepius, Health, Panacea. The designation of Apollo by the epithet *iatros*, which means both "healer" and "physician", is clearly important. Apollo is associated with healing in classical Greek literature,[13] but his identity as healer and physician is stressed in this medical context where he is the only Olympian god invoked by name. The epithet *Paian* "healer" is given to Apollo as an oath-witness in a passage of Plato's *Laws* (664c7) where Cleinias and the Athenian have decided that three choruses should entertain the children of the Magnesians with stories of noble deeds, and tell them that the best life as declared by the gods is the most just as well as the most pleasant. The second chorus should invoke Apollo the Healer (*Paian*) as witness to the truth of what they say.

Two elements seem important in this passage, the only other example of Apollo the Healer being used as an oath-witness in our classical sources. First is the emphasis on truth, which implies a strong connection between Apollo's powers of healing and his prophetic gifts. The connection is made explicitly in Aeschylus' *Eumenides* (62) where Apollo is an *iatromantis* "healer-seer", and in Aristophanes' *Wealth* (11) where Apollo "is both healer (*iatros*) and seer (*mantis*)", and Nan Dunbar has noted Apollo's "oracular role at Delphi as adviser on cures for diseases both in legend (e.g. S. *OT* 68–72) and in history (e.g. Hdt. 1.85...)."[14] The act of swearing an oath is in itself tantamount to guaranteeing the truth of one's claims. However, by invoking Apollo, the medical student is calling as witness both a patron of his medical craft (*technē*) and the god of oracular

12 So we need not wonder, as does Miles 2004, 16–17, why Zeus was not invoked, nor Ares.

13 He is given the epithet *iatros* in Aristophanes' *Birds* (584), the point being, as Sommerstein 1991 observes *ad loc.*, that he "is implicitly being compared with the state-employed physicians who were paid very high salaries in return for giving free treatment to all citizens (cf. *Ach.* 1030–2, *Wealth* 407–8, Hdt. 3.131, Pl. *Gorg.* 514d–515b)". Apollo is more commonly called *paian* "healer" (e.g. *h.Ap.* 517, Aesch. *Ag.* 146, 1248, Soph. *OT* 154, *Trach.* 221, Eur. *Alc.* 220, Ar. *Ach.* 1212), and is also invoked as *akestor* "healer" by Orestes in Euripides' *Andromache* (900), although Stevens 1971 notes *ad loc.* that this is the only instance of this term being used as an epithet of Apollo. See also Nutton 2004, 38–9 on Apollo's association with healing in Homer.

14 Dunbar 1995, *ad* 584.

truths.[15] The sincerity of the oath-statement is thus further solemnized, and it may be significant in this context that the oath seems to have been recited from a set text and not scripted by the individuals who swore it. The second important feature of the parallel from Plato is that the Magnesian oath is to be sworn by the chorus of *men*. Similarly the Hippocratic oath is formulated in male language and must have been sworn only by men. Invoking Apollo in this context is thus appropriate in one further respect, namely that oaths by Apollo tend to be male oaths (see §13.1, p. 321–2).

Oaths by Asclepius also seem to be male oaths. A comic fragment of Alexis' *Homoia* (fr. 168.1 K-A) contains an informal oath by Asclepius, and Arnott notes that swearing by Asclepius is a "standard male oath in later comedy".[16] Asclepius, of course, is Apollo's son and the god of healing. His cult was introduced into Athens at the end of the fifth century BC, and Sophocles reputedly had a strong connection with it.[17] The arrival of Asclepius, however, did not displace Apollo's association with healing.[18] Indeed the heading of the main Epidaurus healing inscription reads ἰάματα τοῦ Ἀπόλλωνος καὶ τοῦ Ἀσκλαπιοῦ "Cures of Apollo and Asclepius" (*IG* iv^2 [1] 121). It is important that both gods are invoked in the *Oath*, not only as the foremost patron deities of healing, but also as a father-son model, since the content of the *Oath* stresses the transfer of knowledge from father to son and the creation of virtual familial bonds between students and their teachers.[19] Health (Hygieia) and Panacea, daughters of Asclepius, are also listed as context-specific oath-witnesses, and do not appear elsewhere in classical Greek oaths. As a final measure of solemnity, the swearer of the *Oath* calls upon "all the gods and goddesses" as the closing witnesses to the list of gods in a formula which could

15 Miles 2004, 128–38, argues against the paternalistic view of ancient Greek medicine and shows that ancient Greek doctors favoured disclosing their information and prognosis to patients, linking such truth-telling to the *Oath*'s clause in which the speaker swears to act "for the benefit of the ill".

16 Arnott 1996, 493. He cites Men. *Dysk*. 666, *Perik*. 336, *Sam*. 310, fr. 85 K-T = 93 K-A, and what is now *com. adesp*. 1092.8 K-A.

17 Nutton 2004, 105–6 notes that popular tradition subsequently made Sophocles the host of Asclepius, and see further Craik 2003, 45–8. Asclepius features in Sophocles' *Philoctetes* (1333–4, 1437–8), in one of his *Phineus* plays (fr. 710) and possibly in his *Phaedra*, on which see Talboy & Sommerstein 2006, 285–6. Sophocles also wrote a paean in honour of Asclepius, some fragments of which survive (*PMG* 737). See Connolly 1998 for further discussion.

18 Nutton 2004, 107.

19 The swearer of the *Oath* agrees to regard his teacher in medicine as equal to his parents and the teacher's sons as equal to his siblings, and to teach them and his own sons what he has learned.

be added to particularly solemn oaths.[20] The form of the invocation in the Hippocratic *Oath* clearly follows the expected pattern for a solemn oath. A detailed statement is made with appropriate gods as witnesses and a curse is invoked for perjury at the close of the *Oath*. The formulation of the curse is a little unusual, as will be discussed below, but the purpose of the *Oath* parallels a number of other oaths commonly taken in ancient Greece wherever a person held a position in which there was a perceived potential for abuse. Archons, generals, members of the *boulē*, jurors, judges in festival competitions, and even the most minor officials all swore oaths of office stating, in essence, that they would fulfill their functions fairly and to the best of their abilities.[21] It seems natural within this climate that an oath for physicians was formulated since the nature of their work left unprotected patients open to potential abuse.[22]

Overall, then, the *Oath* is both recognizable as and typical of a formal oath of the classical period. In some of its details, however, the oath is unusual. For example, the curse on the would-be perjurer is expressed not as an explicit punishment but as "the opposite" (*tānantia*) of specific blessings to be incurred by the person who keeps his oath. Rewards are thus stressed rather than a potential punishment. The anticipated blessings are prayed for as follows: "May the benefits of my way of life and skill be reaped [by me] having a good reputation among all human beings forever" (εἴη ἐπαύρασθαι καὶ βίου καὶ τέχνης δοξαζομένῳ παρὰ πᾶσιν ἀνθρώποις ἐς τὸν αἰεὶ χρόνον).[23] The oath-breaker, then, would suffer a bad reputation and a lack of benefits from his way of life and skill. This amounts to a metaphorical destruction rather than the literal death or extinction of lineage normally expected, whether implicitly or explicitly, in other formal oaths.[24] Moreover, although a brief prayer for blessings as a consequence of keeping one's oath sometimes occurs at the end of official oaths, it is unusual (*pace* Faraone) for such specific rewards to be mentioned or for these to form the bulk of the expressed conditions.[25] In the dicastic oath, for example, the swearer invokes

20 See § 6.1.

21 See S&B §§3.1–4, 5.4, 5.16.

22 Jouanna 1999, 21–2, discusses the case of Apollonides who served as a doctor at the Persian court, took advantage of Megabyzes' widow, and ultimately met a grim end.

23 On the interpretation of βίος as "way of life", see Von Staden 1996, 419–22, and 1997, 176–8.

24 See § 12.1.

25 Faraone 2006, 139 claims that the Greeks "often enforced the compliance and truthfulness of... oaths by sanctioning them with a balanced pair of conditional self-blessings and self-curses, such as we find at the end of the well-known Hippocratic oath", and similarly states in Faraone 2012, 121 that the Greeks "often concluded their oaths with a pair of curses and blessings" once again giving the Hippocratic *Oath* as the only example. I do not share Faraone's convic-

utter destruction on himself and his house should he transgress any of the oath's provisions, but expects "many blessings" (Dem. 24. 151: *polla kāgatha*) if he keeps his oath.[26] The oath of Demophantus contains a similar clause, which seems to be derived from this.[27] An oath sworn by Ariston in his prosecution speech against Conon concludes in a similar manner also (Dem. 54.41), as does a reconciliation oath taken by the citizens of Dicaea at some point between 365 and 359 BC (*SEG* lvii 576).[28] A variant on this formula is the oath required of the winner in a homicide trial, who invoked destruction on himself and his house but many blessings on the judges should his oath be false (Aeschines 2.87).[29] When we are told by Hesiod that the family of a man who keeps his oath "is better thereafter" (*WD* 285: μετόπισθεν ἀμείνων) we are given no details as to how exactly this might happen, and Pindar's unique suggestion that those who keep their oaths keep company with the gods (*Olymp.* 2.65–7) seems purposely designed to implicate the poet himself as deserving a place among the gods, as I argued in §13a.2.

There are problems with Edelstein's theory that the Hippocratic *Oath* "is a Pythagorean manifesto",[30] but the fact remains that the conditional benefits and punishments contingent on the oath have a remarkably more philosophical tone than any other of our recorded oaths from classical Greece. Earning and maintaining a good reputation (*doxa*) both before and after death is a common human objective in archaic and classical Greece, a shame culture where reputation was of the highest significance, as has been well documented.[31] The swearer's antici-

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tion that the Hippocratic *Oath* is paradigmatic in this respect. The only comparable examples I have found, where specific rewards are stressed, are two jokes from Aristophanes, one in *Clouds* (518–25; see §13a.2) and one in *Lysistrata* (233–4) where being able to drink from the wine cup is mentioned as a reward for keeping the oath, while the punishment for perjury entails the cup being filled with water. The humour in these passages, however, sets them quite apart from the serious nature of the Hippocratic *Oath*.

26 Dem. 24.149–51 with S&B § 5.4, esp. 71.

27 S&B, 74–5.

28 See S&B, 86–7 and 141–3, respectively, on these oaths.

29 The *ekklēsia* curse, which called down destruction upon those who committed a variety of crimes against the city but many blessings for the rest of the community, is comparable. See further S&B, 49.

30 Edelstein 1967, 17–63, quotation from p. 63. As observed by Von Staden 1996, 409, Edelstein's theory "fails to account satisfactorily for this feature of the *Oath*: the *Oath*'s concluding prayer and imprecation do not correspond to the aspirations shaped by a Pythagorean belief in the transmigration and reincarnation of the soul after death". Edelstein has difficulty explaining why Pythagoreans would invoke the gods in an oath when "some Pythagorean sources stipulate that one should not swear by the gods" (1967, 53). See also Miles 2004, 28–33, on the influence of and problems with Edelstein's theory.

31 See e.g. Fisher 1992, Cairns 1993, Williams 1993.

pated reward for keeping his Hippocratic oath is in line with such belief,[32] but it remains striking that the conditional reward and antithetical curse affect the *name* of the swearer and not his body or that of his progeny as was common in oath curses. The distinction between name and body, or between appearance (*doxa*) and reality, was important in fifth-century philosophical thought,[33] but it seems clear from the context of the *Oath* that *doxa*, "reputation" or "appearance", is conceived of as being compatible with rather than antithetical to "reality" or "truth".[34] A good reputation is expected as a result of remaining true to the oath, witnessed by Apollo, the god of oracular truths. However the formulation of the reward and inverse punishment seems philosophically charged in the sense that it is the name which will be punished rather than the body.

In addition, the medical student expects to enjoy the benefits of his way of life (*bios*) and his skill (*technē*) as a result of keeping his oath. These three rewards (good reputation, benefits from manner of living and benefits from skill) can, to a large extent, be understood as depending on human rather than divine agency. The divine element is not entirely absent, of course, since a healthy cohort of divinities are witnesses to the oath, but the expressed curse on the perjurer (namely, a bad reputation, and an inability to enjoy the benefits of his life and his profession) is largely dependent on human agency for its fulfilment (assuming, of course, that a doctor's misdeeds are detected), unlike other oaths of office in which death and destruction at the hands of the gods are imagined. The gods might be thought of as influencing the implementation of the curse in the Hippocratic *Oath*, but their involvement is not expressed.[35] The swearer of the *Oath* agrees to maintain his life and his skill (διατηρήσω βίον τὸν ἐμὸν καὶ τέχνην τὴν ἐμήν) "in a pure and holy way" (ἁγνῶς … καὶ ὁσίως), which would seem to lend a deeper religious content to the oath. However, as Von Staden has demonstrated, the notion of a doctor living "in a pure way" (ἁγνῶς) is problematic since it would, by classical standards, prohibit the doctor from coming into contact with the pollution associated with death, birth, sexual intercourse, menstruation and other such common encounters in a doctor's professional experiences.[36] Von Staden argues that the concepts of purity and holiness advocated by the *Oath* have developed beyond their traditional associations, and are here

32 But a good reputation "is hardly a Pythagorean ideal" (Von Staden 1996, 409).

33 See Dover 1974 (esp. 226–9, 236–42), M.E. Wright 2005, 268–78.

34 Cf. Von Staden 1996, 437.

35 Edelstein does not give due consideration to the religious context of oaths when he suggests (1967, 61) that the Hippocratic *Oath* "is vouchsafed [*sic*] only by the conscience of him who swears."

36 Von Staden, 1996, 423–4 and 1997, 179–81.

internalized, intellectualized and applied to purity of thought rather than purity of physical experience.[37] Human cognitive acts form the basis of the *Oath*,[38] and the secular sphere of the swearer's life is emphasized by the clause to "be far from all voluntary and destructive injustice" (ἐκτὸς ἐὼν πάσης ἀδικίης ἑκουσίης καὶ φθορίης) which refers directly to his relationship with other men and women.[39]

The Hippocratic *Oath* is at once deeply religious and paradoxically secular. In a *Commentary* on the text, ascribed to Galen, fragments of which are preserved in the Arabic tradition, the theory is put forward that medicine "is such an exalted science that it cannot [have been] invented by the intellect of man" and must be divine in origin.[40] In this elusive text, which was apparently a sort of "mythological history of medicine",[41] the author (who may or may not have been Galen)[42] seems to have used the *Oath* to elucidate the religious nature and divine origins of the craft of medicine. As the only religious text in the Hippocratic corpus it is not surprising that it was chosen for this purpose. However, as we have seen, the *Oath* contains an unusual emphasis on issues of human agency, for all its ostensibly religious language and formal structure as an oath.

That the Hippocratic *Oath* seems to be all-encompassing for every aspect of the swearer's life is another of the *Oath*'s distinguishing features. If it merges the religious and the secular, it also combines the professional and the private. Formal oaths in our surviving evidence normally relate to a specific event or to a period in office, not to a way of life as a whole. Von Staden rightly claims that "few, if any, extant Greek oaths draw attention to the speaker so consistently and emphatically", and further explains that the commitments made in the *Oath* "might largely concern professional conduct, but the amassing of first-person forms ensure that they are never separated from an individual, personal responsibility and guarantee."[43] Moreover, it is clear that only those who were not members of medical families were required to commit to a written contract, since the speaker agrees to teach the sons of his master, should they desire to learn, "without fee and written contract" (ἄνευ μισθοῦ καὶ ξυγγραφῆς). The written contract, then, seems to have been added for additional security in safeguarding the

37 Von Staden 1996, 430–1 and 1997, 187–8.
38 Von Staden 1996, 431–2 and 1997, 189–90.
39 Von Staden 1996, 428.
40 Rosenthal 1956, fr. B.1.b (p. 59) and cf. fr. B.1.c (p. 60).
41 Rosenthal 1965, 87. The *Commentary* seems to have focused on the first, historical, part of the *Oath* and not on the deontological second part, as noted by Nutton and Jouanna in Jouanna 1997, 247–8.
42 See Rosenthal 1956, 81–7.
43 Von Staden 1996, 419.

art of medicine while also allowing outsiders access to training. The oath itself also seems to have been conceived for outsiders, at least initially,[44] and the separation between those who were members of the Asclepiad families and those who were not is emphasized by another oath, recorded in an inscription dating from c. 360 B.C. (*CID I*, 12). The speaker must swear that he is an Asclepiad of the male line in order to be able to consult the oracle at Delphi or make a sacrifice.[45]

Nutton's suggestion that the *Oath* was developed "in a situation in which an earlier pattern of medical education [was] gradually breaking down" seems justified,[46] and helps to explain the anomalous position of this religious text within the largely secular Hippocratic corpus. In a profession where empiricism was valued over divine intervention, but where a mythological history was traced back to the gods and the practice of traditional religion continued, the unusual features of the *Oath qua* oath also make sense. An oath invoking the mythological patrons of medicine was recited by the in-comer, and while the *Oath* retains a clear and traditional religious structure, its human concerns are seen to extend beyond its content and into the expected rewards or punishments for keeping or breaking the oath.

44 Jouanna 1999, 129 suggests that "originally the entire oath was taken only by disciples from outside the family of Asclepiads" (cf. 47 and see also Jouanna 2012, 116–18), but it is possible, at least, that the *Oath* was taken *orally* also by members of the medical families. Certainly, as Jouanna notes (1999, 129), the oath came to be "uttered by physicians in general". The Arabic tradition, which records references to the commentary on the Hippocratic *Oath*, includes one source which claims that the craft of medicine was transmitted orally from fathers to sons until so few heirs remained that Hippocrates decided to commit his knowledge permanently to writing for fear that it might be lost (see Rosenthal 1956 fr. B.3.f. p. 80). Another states that a lack of heirs made Hippocrates decide to take in strangers and teach them the craft of medicine, and that he "established the written *Covenant* for them and made them swear the oaths contained in it", including a clause preventing the swearer from teaching any other "unless he had declared before that he would abide by this *Covenant*" (Rosenthal 1956, fr. B.3.g, quotations from p. 81).

45 The oath of the Asclepiads is discussed by Jouanna 2012, 115–18.

46 Nutton 2004, 69; see also Jouanna 1997, 214, and 1999, 47, who argues that the "*Oath* is closely tied to the revolution represented by the opening up to outsiders of a school of medicine whose teaching was originally reserved for the members of a single family."

15 The decline of the oath?

A.H. Sommerstein

As we saw in ch. 11, the belief in the binding power of oaths was strong and sustained, and attempts to specify circumstances under which the principle might be waived met with little success. At the same time, it could not be denied that some people did in fact swear assertory oaths which were false, or promissory oaths which they broke; to take only one example, if it were not so, few murder cases would ever have come to the Athenian Council of the Areopagus for trial, since in every such case the prosecutor had to swear – in circumstances of special solemnity – that the defendant had killed, and the defendant that he had not killed (see S&B §5.14). Such breaches of oath would, it was thought, be punished by the gods – but the gods, notoriously, were often slow in punishing offences, and their retribution might be delayed for many generations. So one could never be in a position to infer with confidence that because a swearer had not suffered anything that looked like divine punishment for perjury, therefore his oath had been honest. And on the other hand, if he or his *did* come to some serious harm, this was not necessarily reliable evidence that he *had* been guilty of perjury on any particular occasion, since disasters did not come labelled with explanations of their causes.[1] In any case, even if it was eventually established that an oath had (or had not) been violated, such knowledge would often come too late to be of any use at all, and always too late to give any guidance to judges, treaty partners, etc., as to whether the swearer should be trusted. On top of all this, the ancient and increasingly sophisticated practice of "sidestepping" (see ch. 10), and of careful and precise choice of language in oaths, added further layers of uncertainty, and already in the time of Aeschylus (fr. 394) it could be said that "oaths do not give credibility to men; men give credibility to oaths" – in other words, that a person who could not be trusted when not on oath should not be trusted when he *was* on oath, either.[2]

1 Unless the sufferer, or his kin, or another interested party, inquired of a god (normally via an oracle) why the disaster had occurred, and received an informative response.

2 Much the same is said by a character in Alexis' comedy *Olynthioi*, probably from the third quarter of the fourth century: "a sensible person ought not to trust people's oaths, but rather always trust the actual facts" (Alexis fr. 165). And in an unknown comedy by Menander's contemporary Diphilus (fr. 101), a character named two types of person whose oaths were worthless – the courtesan and the politician, both of whom "swear to anything that suits the man they're talking to" (the nature of New Comedy suggests that he was talking about courtesans and using politicians as a well-known standard to which to compare them, rather than vice versa). Already in the sixth century Theognis (284, 1139) is warning against putting one's trust in oaths.

We should, of course, remember that this is a line from a drama, and was spoken by a character who may have had an axe to grind. The same applies even more strongly to similar remarks made by speakers in the courts, whose opponents had all sworn oaths to the truthfulness of the case they were arguing, oaths whose reliability the speaker must necessarily attempt to undermine. Nevertheless, it is significant that in lawcourt speeches, little or no weight is normally placed on the mere fact that the speaker has sworn to the truth of his case; rather, he will marshal argument and evidence (including evidence of character) to persuade his judges that it is *his* sworn declaration, rather than his opponent's, that should be believed.

This is already evident in the earliest surviving lawcourt speeches, those of Antiphon, which probably all date from within a few years of 420 BC – even though they were all written for homicide trials and all make use of arguments that would be persuasive only to those of a strongly religious mindset.[3] In none of them does the speaker argue, either directly or by implication, that simply because he has sworn to his innocence (if he is the accused) or to his opponent's guilt (if he is the prosecutor) he is entitled to be believed. In two of the three speeches, indeed, the speaker never makes any mention of his own oath. In the third (Ant. 6), the defence speech of a *choregos* charged with causing the death of a boy named Diodotus who had been a member of his chorus, he does (§§14–16); but observe how he does it. He reminds the judges that the listening public "have heard the words of the man who administered the oath" and says that he would like them (the public) "to feel that I was being faithful to that oath, and that in persuading you [the judges] to acquit me I was telling the truth". That virtually concedes that the mere fact of his taking the oath proves little or nothing. Rather, he points to reasons, entirely independent of the oath, that go to confirm his credibility: the fact that his words are subject to refutation by the prosecution, who have another speech to follow in which they can expose any lies he may have told;[4] the fact (if it is a fact) that many of those present have "precise knowledge" of the facts of the case; and the fact that he has called witnesses, whose evidence the judges should use to help them decide which side's account of the case is "truer and more oath-respecting".

And yet, while only one of Antiphon's three clients is made to draw attention to his own oath, all three draw attention to the oaths of their opponents – always, of course, in order to destroy their credibility. In the Herodes case (Ant. 5), the prosecutors had not used the regular homicide procedure but had prosecuted

3 Ant. 1.3, 31; 5.81–4, 93; 6.3–6.

4 He does not mention that *he* will then also have a second speech, giving him the last word.

the accused, Euxitheus, by *endeixis*, thus (he complains) evading the specially solemn oaths that were taken in homicide cases both by the parties themselves and by all their witnesses. He asserts, indeed, that the prosecutors and their witnesses are not on oath at all (§12) – which is true of the latter but false of the former – and accuses his accusers of "knowing very well" that if their witnesses *had* had to take the special "homicide" oaths, they would not have been willing to give evidence at all (§15). He does not, of course, mention that he himself, and *his* witnesses, are "unsworn" in exactly the same sense. Later (§§90, 96) he will ask for an acquittal on the ground that it will then still be open to his accusers to launch a normal prosecution for homicide in the course of which they will have to take "the customary oath". Essentially, he has undermined the prosecutors' oath that they "know well" that he killed Herodes by pretending it never happened.

In the other two surviving cases (Ant. 1 and 6) the two parties (and their witnesses, if any) did take "the customary oath"; and in each case Antiphon's client sets out to prove that they have perjured themselves. The accused *choregos* in Antiphon 6, having stated that his accusers have sworn "that I killed Diodotus by planning his death",[5] while he himself has sworn "that I did not kill him either by my own hand or by planning",[6] then undertakes to prove that the prosecutors are "the most perjured and impious of mankind" (§33) because their conduct for a short time before, and a long time after, they first commenced proceedings clearly indicates that they did not in fact believe him to be guilty of causing the death of their young kinsman (§§34–50); and in the last 150 words of his speech (§§48–51) he refers no less than five times to the oath his opponents have sworn, now proved (he assumes) to have been insincere (see §12.2.3, p. 311).

In Ant. 1, too, the speaker seeks to disparage his opponents' oath. He is prosecuting his late father's wife[7] for allegedly poisoning her husband; she is repre-

5 i.e. by planning the act that caused his death (the administration of a drug, either for medicinal purposes or to enhance his performance, which proved to be poisonous).

6 Though these two sworn statements seem contradictory, they may in fact both be true. The defendant says (§§15, 17) that he was not present when the drug was taken and neither told the boy to take it, nor compelled him to do so, nor gave it to him – but that still leaves plenty of possible scenarios of indirect responsibility (e.g. ordering one of his subordinates to compel the boy to take the drug) which he at no point denies. If one of these scenarios happened to represent the truth, the defendant would doubtless claim that it did not amount to "planning" the boy's death. Such a claim might or might not seem reasonable to the judges.

7 The case is traditionally called "Against the Stepmother", but this is inappropriate. Given what we learn about the ages of those concerned, the accused woman must have been married to the deceased at the time of the speaker's birth; in other words, the speaker is the deceased's *illegitimate* son, the offspring of what would now (but not then) be thought of as an adulterous liaison.

sented in court by one of her sons (the speaker's half-brothers), and it is he who has taken the "customary oaths". The speaker professes amazement that he can swear he "knows well" that his mother is innocent: "how can one 'know well' the truth of events which one did not oneself witness?" (§28). It is a fair enough point (or it would be, were not the prosecutor himself in exactly the same position – for he must have sworn he "knows well" that the accused is guilty, though all he actually knows is that his father believed her so); but one can certainly understand and sympathize with the half-brothers' position. In all probability they were absolutely convinced that their mother was indeed innocent, even if their certainty was based on nothing more than her word, their long experience of her character, and filial love and loyalty. And unless one of them took the oath in the terms in which it was dictated, they could not defend her, and no one else would be in any better position to do so; she would be convicted by default, and executed. What else could they possibly do? And the phrase "know well" provided enough wiggle-room to satisfy a reasonable conscience; in Greek, as in English, "I know" could mean in effect "I am morally certain".[8]

Both in Ant. 1 and in Ant. 6, too, the speakers argue that their opponents have no belief in their own case because they have refused to accept a challenge to have slaves examined under torture (1.5–13, 6.21–7); and the prosecutor in Ant. 1 explicitly asks how, in view of this, his half-brother can possibly be thought to have taken his oath in good faith (1.8). It seems to have been generally accepted that such interrogation of slaves was a reliable method of establishing the truth (partly perhaps because of its rarity in practice), and Antiphon evidently expected that the judges in these two cases would be readier to believe that his clients' opponents had perjured themselves in a particularly solemn oath than that they had honest grounds for refusing a torture challenge.[9]

So by the late fifth century, an oath on its own was not considered to be of much probative value; it was recognized that some men's oaths might be not just misleading (as had always been realized) but downright false. And as a result, certainly by the middle of the fourth century, it could be respectably argued that if you believed a man to be of bad character, you ought not to give him the opportunity to gain a spurious credibility by offering him the chance to swear that he

8 There are ten clear examples in Sophocles alone: *Trach.* 67 (where Hyllus explicitly ascribes his "knowledge" to hearsay), *Aj.* 560, *Ant.* 89, *OT* 1455, *El.* 400, 672, *OC* 656, 662, 666, 1197.
9 It is in harmony with this that litigants rarely attempt to justify their rejection of such a challenge; it is apparently considered safer to ignore the matter entirely. On torture-challenges see Thür 1977, 1996b; Gagarin 1996; Mirhady 1996, 2000.

is telling the truth or that he will keep his promise. As someone put it in a play by the comic dramatist Antiphanes (fr. 230):

> Anyone who invites a wicked man to take an oath is barmy, because the gods now do the opposite of what they ought to. If anyone swears a false oath in their name, the man who *invited* him to swear gets struck by lightning right away – and rightly so, if you ask me, because he trusted someone.

Since our quotation ends there, we can't be quite sure whether the speaker is a total cynic who thinks no one should ever be trusted, or whether his sentence has been truncated and he was actually blaming the perjurer's dupe for trusting someone *who he should have known didn't deserve to be trusted*, oath or no oath.

We find the same view taken in court, too. One of the best-known instances of an oath-challenge in litigation (see S&B §5.11) is narrated in Demosthenes' two speeches *Against Boeotus* (Dem. 39.2–4, 40.10–11). We do not, for present purposes, need to inquire whether the account of the affair given by the speaker, Mantitheus, is true or not; it is sufficient that he – and his expert adviser, Demosthenes – expected it to be credible. As already mentioned (ch. 9, p. 173, 236), he is suing his half-brother, Boeotus, in an attempt to stop him from using the name Mantitheus. He tells the jury of an earlier case in which his father, Mantias, had been sued by Boeotus, who claimed that Mantias was wrongfully refusing to recognize him as his son. Mantias did not want the case to go to court, and eventually agreed to a deal with Boeotus' mother, Plangon. Mantias would challenge her, before the official arbitrator, to swear that he was the father of her two sons, Boeotus and Pamphilus, with the outcome of Boeotus' lawsuit depending on her response; she would refuse the challenge; Mantias would then pay her thirty minae, and she would arrange for Boeotus and Pamphilus each to be adopted by one of her own two brothers. She swore an oath "which is regarded by all mankind as the greatest and most fearsome" that she would honour this agreement. And then she broke it; when Mantias issued the challenge before the arbitrator, she accepted it and swore that he was indeed the father of the two young men, and he was thus compelled to acknowledge them as his sons.

Now if this story is true, Plangon was a shameless perjurer. But what of Mantias? Mantitheus clearly thinks he should have known better than to make such a deal, even though, according to Mantitheus' account, he was pretty much blackmailed into it;[10] and he speaks (39.25) of Boeotus "having gained a father

10 He describes Boeotus' associates Mnesicles and Menecles, who helped him with the lawsuit, as *sykophantai*, and says Mantias did not want to go to court "for fear that someone whom

through his mother's oath and the naivety (*euētheia*) of the man who invited her to take it". It is not a very sharp criticism (one would not expect it to be, given that it is his father whom Mantitheus is criticizing), but the plain implication of it is that a shrewder man[11] would have avoided giving Plangon such an opportunity for gainful perjury.[12]

In another passage of Antiphanes (it might even be from the same play, though we have no evidence one way or the other) almost exactly the opposite view is taken – but with an important reservation (fr. 237):[13]

> When someone shows contempt for the sworn statement of another, *unless he knows that the person has sworn falsely in the past*, in my opinion he is showing contempt for the gods and violating an oath that he himself has previously taken.

One can without too much difficulty extract from this evidence – and other evidence of the same kind – a coherent position to which most people would have been willing to sign up had it been explicitly put to them. In principle, an oath is entitled to credence: Oedipus ought to believe Creon (Soph. *OT* 647, 652–3, 656–7), Theseus ought to believe Hippolytus (Eur. *Hipp.* 1036–7), particularly since both have expressed their oaths in especially powerful terms (see §5.1, pp. 79). On the other hand, it would clearly be foolish to believe the oath of someone who had a history of committing perjury. The problem lay in the grey area between. What if the swearer was someone who had frequently told lies, but had never been proved to have lied on oath? What if there was evidence, direct or circumstantial, which strongly suggested that he was lying on this occasion? Such evidence

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he had aggrieved in some other matter – as can happen when one is in public life – might confront him there" (39.3).

11 Mantitheus is anxious to make it seem that his father was anything but shrewd; in his next sentence, commenting on lawsuits brought by Boeotus against him to secure money allegedly due to him from Mantias' estate, he says to the jury "I think you all know what sort of businessman my father was" ("i.e. a bad one," comment Carey & Reid 1985, 185, "so that the money claimed by Boeotus does not exist").

12 The gain she made by it was to have her sons recognized as Athenian citizens and probably (though Mantitheus obfuscates this) as legitimate and therefore entitled to a share of Mantias' property at his death. It is not clear, even on Mantitheus' version of the facts, how Mantias could have avoided making the deal, if he really was afraid of a trial for political reasons; perhaps he might have phrased the challenge more artfully, e.g. by not specifying what would be the consequence if it was accepted – but an experienced litigant like Menecles would surely have seen through such a ruse.

13 Very similarly, but without the reservation, Amphis fr. 42: "He who does not believe an oath will himself be a ready and clever perjurer."

there is both in the case of Creon and in that of Hippolytus. In Creon's case the evidence is, to any objective observer, weak, and the chorus duly draw attention, not only to Creon's oath of innocence, but to the fact that the case against him is "unclear" (*OT* 656–7) and that he has no past record of disloyalty (652); even so, and even though the chorus swear to their own loyalty in terms as strong as Creon had used (660–2), Oedipus still believes that in letting Creon go free he is running a grave risk himself (669–70). But at least he *does* let Creon go free. In Hippolytus' case the evidence is to all appearance very strong (Phaedra's written accusation, made all the more credible by her suicide); both Hippolytus and the chorus know it to be false, but both are themselves bound by oaths of secrecy. Hippolytus' sworn denial of guilt has to stand alone, and it was not enough for Theseus.[14]

From the late fifth century onwards, we begin to find a trickle of statements which suggest that reflection on these problems was in some circles leading to a tendency to argue that since oaths were of little real value as a guarantee of truth-telling or promise-keeping, they should be avoided when not obligatory, and even that many of the obligatory occasions for them should be abolished.

The earliest surviving text in this tradition is a fragment of the *Persica* of Choerilus of Samos, an epic poet of the late fifth century, who said, or more probably made a character say, that "there should be no such thing as an oath, whether just or unjust"; we have no idea of the context. The next, probably in the 370s, comes from Isocrates, who thus advised the Cyprian nobleman Demonicus (Isoc. 1.23):

> When requested to swear an oath, accept for two reasons only – to clear yourself from a disgraceful accusation, or to save your friends from great dangers. Never swear by any of the gods for the purpose of material gain, not even with sincere intent: if you do, everyone will think you either perjured or greedy.[15]

It can be no accident that Isocrates' own texts prove that he himself practised what he here preaches; nowhere in his 125,000–word corpus does he, or any

14 Theseus had in any case already doomed Hippolytus irrevocably to death, by his curse-prayer to Poseidon (*Hipp.* 887–90), before even giving him a hearing; but he appears to have forgotten about this, and Hippolytus did not know of it in the first place.

15 To most people (though not, for example, to Quakers) this will seem an unrealistic counsel of perfection, since if Demonicus literally obeyed it, he could never have taken legal proceedings and anyone would have been able to defraud him with impunity. However, it may well be significant that Isocrates himself, in all his long life, was never the prosecutor or plaintiff in any lawsuit ([Plut.] *Lives of the Ten Orators* 839c).

of the clients for whom he wrote speeches, or any of the characters he creates, swear, even informally, to any statement or promise at all, except for those oaths which were required by the procedures of the courts in which they are represented as speaking. There is no sign of any such abstinence in the works of the other Attic orators, or during most of the career of Isocrates' great rival in the sphere of advanced education, Plato. The discussion of the ideal state in Plato's *Republic* hardly mentions oaths, and seems to consider them unproblematic. But in his last work, *The Laws*, it is quite otherwise.

It is probably not significant, despite the parallel with Isocrates, that informal oaths are notably rare in the actual conversation between the Spartan Megillus, the Cretan Cleinias, and the Athenian who represents Plato's views (there are only four of them, all in the mouth of Cleinias and all to reinforce responses that give assent to something the Athenian has said), since this is a general feature of Plato's late work.[16] What is significant is a striking bifurcation in the laws regarding oaths in the new Cretan city of Magnesia. The principle behind this is not explained until long after many examples have been given of its application – not until nearly the end of the long work (949a). It is that oaths shall be required in those cases, and only in those cases, "where it is not generally thought that gain can accrue to the perjurer"; where, on the contrary, it *is* widely believed that "a sworn denial can bring great and manifest gain", oaths will be positively *forbidden*, even in situations where states have hitherto made them obligatory. The reason given for this is that "it is terrible to think of a city in which ... nearly half the population have committed perjury and are mixing promiscuously with the rest" (948d-e) and thus exposing all alike to divine anger.

There are still a considerable range of situations where Magnesia will require an oath – for judges in the courts (948e), those voting in elections of all kinds (949a, cf. 767c-d) including someone putting forward an alternative candidate against an official nominee (755c-d), judges of musical and athletic competitions (949a), and the *nomophylakes* (guardians of the laws) when they make a declaration that a married couple are persistently refusing to fulfil their procreative duties (784c); we also hear of choruses that will sing to young children in praise of the virtuous life, one of which (of men under thirty) will invoke the god Paean as a witness to the truth of their words (664c). Oaths are mentioned as being required

16 In the five other certainly genuine dialogues generally regarded as late – *The Sophist, The Statesman, Timaeus, Critias* and *Philebus* – which together amount to about four-fifths the length of *The Laws*, there are a total of three informal oaths.

of private citizens before entering another person's house to search for stolen goods (954a) and when refusing to testify in court (936e-937a; cf. S&B §5.10)[17].

The areas of community life from which oaths are to be partially or completely banned are the market and the courts. Market traders are forbidden under any circumstances to swear to the genuineness or quality of their goods; if one of them does, anyone[18] who hears him is not only permitted but required, on pain of being designated a "betrayer of the laws", to inflict physical chastisement on the trader (917c). And in court cases, the litigant's oath which was a feature of every Athenian lawsuit is to be abolished, and moreover no citizen[19] may swear an oath during his speech to increase his credibility, as the clients of Demosthenes and others frequently do (948d-949b).

Why is the attractiveness of perjury considered to be so much greater in these cases than in the others mentioned? This question is never answered by Plato, but the answer is not difficult to discern. The market trader and the litigant *invariably have a strong material interest in being believed*. The trader is always anxious to make a sale; the litigant is always anxious to gain, or prevent his opponent from gaining, the property, or whatever it may be, that is in dispute. This *necessary* material bias is not to be found in any of the other cases. Judges and voters, of course, may be bribed, but that isn't a necessary consequence of being a judge or a voter; the same applies to the reluctant witness.[20] The man wishing to search a house for stolen goods is required to swear "that he expects to find them"; a person who took that oath falsely, and then searched the house and found nothing, would have gained only the privilege of showing himself up as one who pried into other people's privacy for no good reason, and it would be likewise with the *nomophylakes* if they procured the punishment of a couple who had remained childless through no fault of their own.

17 Another passage (917a) reads *prima facie* as though market traders accused of fraud will be required to swear their innocence before the market magistrates (*agoranomoi*). Taken in context, however, it seems to mean rather that the dishonest trader is *automatically* deemed a perjurer because he has lied to a superior (his customer) in defiance of the "laws and cautions" of the *agoranomoi* (on lying to a superior, see below).

18 If a citizen, and not below the age of thirty.

19 The prohibition is not to apply in cases between foreigner and foreigner (949b–c), because perjured foreigners are deemed unlikely to corrupt the citizen body since they will not normally grow old or raise children in the city.

20 So Morrow 1960, 290: "The judge is *seldom* under the temptation that a litigant is *always* exposed to, the temptation of gain by perjuring himself, or by inducing his witnesses to commit perjury" [italics mine: AHS].

Another striking innovation in *The Laws*, which might well be felt hard to reconcile with the principle just deduced, is that statements made *to one's superior* are considered to be tantamount to sworn statements. The law governing lying and deception begins thus (916e-917b):

> Let no one perpetrate, by word or deed, any lie, deception or fraud, calling to witness the race of gods, unless he wishes to be greatly hated by them. Such a person is he who shows complete disregard for the gods by swearing false oaths, and secondly *he who tells falsehoods in front of his superiors.* "Superiors" means the more virtuous in relation to the less virtuous, the older to the younger in general and parents to their offspring in particular, and likewise men to women and children, and rulers to the ruled. It will be proper for everyone to respect all their superiors in every governing relationship and especially in civic magistracies ... . For everyone who commits any fraud in the market place is a liar and deceiver and perjures himself[21] by calling the gods to witness in the face of the laws and cautions of the market magistrates,[22] neither respecting men nor revering gods.

Any false statement, then, made to a magistrate, or to a parent, or to anyone old enough to be one's parent, or by a woman or child to a man, is deemed to be perjury and subject to divine punishment: whenever one is speaking to a superior, one is regarded as speaking before divine witnesses, whether one has explicitly invoked them or not. At first sight there is a major paradox here. Swearing has been banned from the market, and largely from the lawcourts, because in these environments the temptation to swear falsely is so great that if swearing is permitted the city will be full of perjurers. Yet at the same time a vast number of other utterances are declared to have the effect of an oath, and on any realistic assumption about the behaviour of children (or on normal ancient Greek assumptions about the behaviour of women, young men, and "the less virtuous") there will be few Magnesians indeed who will not, under this new definition, have committed "perjury" at some time in their lives. And this is not an inconsistency between two passages in different parts of a long and complex work: the rule that market traders may not use oaths in praise of their goods is enunciated less than seventy

21 I take ἐπόμνυσιν here as equivalent to ἐπιορκεῖ: otherwise it is tautologous (after τοὺς θεοὺς παρακαλῶν) and anticlimactic (after ψεύδεται καὶ ἀπατᾶι). The use of ἐπόμνυμι in this sense could have been based on passages like *Iliad* 10.332 (the only occurrence of this verb in the poem); Hes. *Thg.* 793; and Empedocles fr. 115.4 D-K – in all of which the verb is coupled with ἐπίορκον.

22 These "laws and cautions" are the rules about market conduct referred to in 917d–e, which will be inscribed on a *stele* in the market-place by the *agoranomoi* and *nomophylakes*. The *stele* is apparently deemed to make these officials symbolically present in the market-place, whether they are physically present or not, and false dealing in breach of these rules is thus deemed tantamount to false dealing in the presence of state officials – and therefore to perjury.

words after the end of the passage just quoted (917c). Again, litigants speaking in court are not to be allowed to swear to the truth of what they are saying – and yet, since they are speaking before the presiding magistrate of the court, who counts as their "superior", *everything* that they say will be deemed to have been spoken on oath! The only way to make sense of this seeming contradiction is to suppose that the new extension of the definition of an oath is of rhetorical rather than religious significance. It is neither intended nor expected that the gods will pursue as a perjurer every child who lies to his father or mother; the object of the law is not to invite them to do so, but rather to impress on the population the importance of respecting parents, elders and public authorities (and on women the importance of respecting men). And after all, the rights of these classes *were* believed to be under divine protection, even if the divine sanctions for their breach were not in general as severe as those for breach of an oath. One might say that for this limited purpose (the culpability of falsehood) those who are deemed superior by reason of virtue, age, gender or civic status are to be treated as if they were gods.

Although, as has been mentioned, speakers in the real Athenian courts at this time (the middle of the fourth century) are at least as willing as ever to swear solemnly, without any necessity, to the truth of the case they are presenting, it was not impossible for them also to take credit for a virtuous *reluctance* to swear and to criticize their opponents, not specifically for swearing *falsely*, but merely for being "unduly" eager to swear and doing so with flamboyant emphasis. There is only one surviving case in which this is done, and it is particularly striking in that the speaker tries to have his cake and eat it: he condemns his opponent's oath and immediately afterwards takes a very similar one himself. This speaker is Ariston, prosecuting Conon for assault (Dem. 54.38–41), in a passage discussed in S&B (§5.8) where it is argued that the only difference between Ariston's oath and Conon's was that Ariston did not swear on the heads of his children (most likely because he *had* no children)[23] and that probably "the main purpose of Ariston's vehement attack on the propriety of Conon's intended oath is to distract the jury's attention from the likely content of that oath, and from points, crucial to Ariston's own case, to whose truth he is neither swearing himself nor calling any evidence". Nevertheless it is significant that Ariston, speaking before a jury many of whom must have had long experience of the practice, can condemn it, and can treat it as a mark of virtue to be the sort of man who "would not swear even an honest oath"[24] (54.40).

23 In any case, producing one's children in court, and swearing oaths on their heads, were perfectly routine ploys (see Carey & Reid 1985, 99–100). On this passage see also §2.4.4 above.

24 We must understand here "without necessity", since Ariston immediately goes on to ex-

A similar tendency appears a generation or so later, in the *Characters* of Theophrastus. Being "quick to take an oath" is one of the characteristics of the shameless man (6.1, cf. 6.8), along with "dancing the *cordax* while sober" (6.3), failing to feed his mother (6.6), and charging interest at an annual rate of about 9000 per cent (6.9). The busybody (*periergos*) is, among other things, the sort of man who, when about to take an oath (probably in court), says to the public standing round "I've sworn many times before" (13.11).[25] Oaths of excusal (*exōmosiai*) seem particularly suspect: the shameless man will take one to postpone a court hearing (6.8) and then walk into another court laden with case papers; the arrogant man (*hyperēphanos*) will take one to avoid serving in a post to which he has been elected[26] (24.5). These are the only references to oaths in the *Characters*, and they are all negative: Theophrastus clearly agrees with the view of Isocrates, and the professed view of Ariston, that one should swear as little as possible, and that one who swears much probably, a good deal of the time, swears falsely.

But how widely shared was this attitude among ordinary people? We may get a glimpse of the development of colloquial usage in the work of Theophrastus' contemporary (and, we are told, pupil) Menander. In the 969 lines of his *Dyskolos* we find one formal oath (at 309–13, where Sostratos, unprompted, calls on Pan and the Nymphs to strike him senseless if he has come to the place with any evil intent) and thirty-four informal ones; this ratio of one oath for every 27.7 lines of text is hardly changed from the time of Aristophanes, whose eleven extant plays contain 663 oaths of all kinds (the vast majority informal) in 15,291 lines of text, or one oath for every 23.1 lines. It is clear, too, that on serious occasions oaths can quite properly be volunteered, and both they and their givers are treated with respect. Both Sostratos in *Dyskolos* and, as we have seen (p. 289), Moschion in *Samia* win their brides partly by giving oaths to guarantee their honourable inten-

plain how the virtuous man should swear "if he has to".

25 Many of the public will have done, too, for example as jurymen; but this man is boasting about the number of oaths he has sworn *as an individual*, not for public service but for private advantage. Theophrastus' friend Menander (cf. D.L. 5.36) made a different use of the same expression in an unknown comedy, where a man, doubtless her lover, says to the *hetaira* Glykera "Why are you crying? I swear to you, my darling, in the name of Olympian Zeus and Athena, as I've sworn many times before ..." (Men. fr. 96). The last clause may be a piece of inadvertent self-debunking, characteristic of comedy: the value of the speaker's oaths has depreciated with over-use.

26 Probably as an ambassador (cf. Dem. 19.124), since teams of ambassadors often had to be chosen at short notice and nominations made on the spur of the moment; if the election had been to a regular office such as a generalship, our man could merely have avoided putting himself forward as a candidate.

tions: Sostratos by this means wins over the girl's fiercely protective brother who had been convinced he was up to no good. Sostratos' oath, we know, was volunteered; Moschion's, which is only reported, not enacted (it occurred some months before the action of the play begins), may have been volunteered or may have been demanded by Plangon's sceptical mother.[27] All this, however, is not really inconsistent with the suspicious attitude evident in Theophrastus. Both Sostratos and Moschion swear because they perceive that their interlocutors have good reason to mistrust them, and they must dispel this mistrust if they are to achieve what their hearts are set on. And neither can be accused of seeking material gain. Both their families are much richer than the families of their prospective brides; moreover, Sostratos has already made it explicit (*Dyskolos* 308) that he expects no dowry, and Moschion is in no position to insist on one anyway.[28]

It appears, therefore, that by the end of the fourth century there was a fairly widespread view that oaths, at any rate formal oaths, should be taken only when necessary – when they were imposed by authority, or when the circumstances were such that even an honest man would probably be disbelieved if he did not swear. But we should reflect that any serious-minded person would *always* have taken that attitude: it was absurd to call down divine wrath on oneself, even conditionally, for no compelling reason. What is new in the fourth century, then, is not so much the attitude itself as its explicit articulation and, from one or two authors, an attempt to extend it further. Meanwhile, public authorities, including the upstart kingdoms of the Hellenistic world (which badly needed to assure themselves of the loyalty of their heterogeneous subjects and soldiers), went on exacting oaths as they always had done; and ordinary people carried on swearing, informally and on occasion formally, also as they always had done.

27 Plangon was pregnant, having been raped by Moschion; her mother might reasonably have suspected that his promise of marriage was only a ploy to avoid prosecution, particularly since it could not be fulfilled immediately (Plangon's father was abroad on business) and Moschion could at any time make himself scarce (for example by taking service as a mercenary soldier – as he actually pretends to do in the play's fifth act).

28 Nor does either, in the end, *get* a dowry. At Moschion's betrothal ceremony, Plangon's father, Nikeratos, declares her dowry to be "all my property – when I die – which I pray may never happen" (*Samia* 727–8)! Sostratos' new brother-in-law, Gorgias, having been given charge of the property of his stepfather (now adoptive father) Knemon, does offer a dowry of one talent with his sister (*Dyskolos* 844–5) – not a large one, by New Comedy's standards – but Sostratos' father Kallippides refuses it (845–7) even though he has just given Gorgias his own daughter with a dowry three times as large; Sostratos himself presumably approves this, since a short time previously (797–812) he gave his father a lecture on the unimportance of material wealth.

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